

# **Racial and Political Inequalities in State Voter ID Laws**

By

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## **Abstract**

Voter ID laws have become increasingly popular throughout the states since the passage of the Help America Vote Act in 2002. Currently, thirty-four state legislatures have adopted laws that require voters to present identification before casting a ballot. Supporters have lauded voter ID laws as necessary to prevent voter fraud. Critics, on the other hand, contend that these laws disenfranchise vulnerable populations, such as racial minorities and the poor. This controversy has resulted in numerous legal battles across the states and the courts have increasingly looked to political scientists for answers. Given the relative speed at which states are adopting voter ID laws, there is a limited amount of empirical research on the why states are choosing to pass ID laws and the impact of these new voting laws on turnout and political behavior. My dissertation helps to alleviate this research disparity.

Three empirical projects on 1) the adoption of ID laws, 2) their impact on the 2012 presidential election, and 3) how the framing of information on ID laws affects minorities, comprise the body of the dissertation. To complete these projects, I analyzed secondary survey data, compiled original state-level data sets spanning 2003 to 2012, and conducted surveys with embedded experiments. I explored and relied on the theories of Innovation of Diffusion, Policy Feedback Effects, and Reactance to develop and test empirical hypotheses surrounding voter ID laws. In my analysis of the adoption of voter ID laws, I find that the diffusion of voter ID laws is not only driven by partisanship; it is also influenced by state demographic features such as the percentage of Hispanics and those living in poverty. During the 2012 election, voter ID laws negatively impacted the turnout of registered Hispanic voters. This effect is significant even after controlling for the possession of a valid photo ID. Finally, I find evidence of an interpretive policy feedback effect from voter ID laws among blacks. Black respondents who are exposed to information framing voter ID laws as necessary to prevent fraud had significantly lower levels of political efficacy.

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## **Chapter 1**

### **Pulling back the veil: Inequality in American Democracy**

#### **Introduction**

The term “inequality” usually evokes images of radical disparities; the black slave and white slave owner, the abused wife and her domineering husband, the Wall Street stock trader and the homeless man on the street. While these images undoubtedly depict abject inequality, they are also the exception, rather than the rule in contemporary American society. This de facto definition of inequality has served to mask the much more subtle and nuanced inequalities that persist in contemporary society. Scholars have dedicated hundreds of pages to understanding social and economic inequality, yet far less attention has been given to political inequality. I suspect that this is in part because the very definition of political inequality goes against the ideals upon which this country was founded. These ideals of liberty, equality, self-governance, and diversity are so ingrained in the American psyche that they have infiltrated the theoretical and social frameworks by which citizens and scholars view the American political system. There is a certain beauty to American political culture, with its dogmatic values and unwavering devotion to the founding documents. There is, however, a far less appealing side of the story, in the history of American political exclusion.

At the heart of American democracy and the forefront of the Declaration of Independence, is the principle that “all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness”. The sole purpose of government, as the Founders saw it, was to secure these rights. If the government failed to do so, they reasoned that “it [was] the Right of the People to alter or

to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness”. The emphasis on equality in The Declaration of Independence leaves the impression that “the people” should have the ultimate authority in government, yet who are the people? Whenever there is a discussion of rights, liberty, and freedom, the question must be asked: “Liberty, rights, and freedom for *whom*?” Along with the American ideal of equality, came a strong value in individual responsibility and the idea that some citizens were *deserving* of the right to participate in government, while others were not. The balance of these two differing values has continued to plague the American political system. Determining who has demonstrated sufficient individual responsibility so as to be deserving of the right to participate in democracy and who should be excluded, has proved the source of unending political controversy.

### **In The Beginning: The Nonexistent Right to Vote**

Given the strong language used in the Declaration of Independence, it may seem remarkable that the Constitution of the United States failed to grant anyone the right to vote. In fact, due to the intense debates between national vs. state authority, it is doubtful that any single national suffrage policy could ever have been agreed upon at the 1787 Constitutional Convention. Suffrage rights, like many of the issues debated at the Convention, were closely tied to state constitutions. During the four months of the Constitutional Convention, Madison and his opponents intensely debated the virtues and evils of a national versus federal government. In the end, the Constitution the framers passed was a fusion of both federal and national components (Diamond 2000). This Constitution left the national government without any authority, outside of a constitutional amendment, to institute a national concept of voting rights. By allowing

individual states to determine suffrage rights, “the authors of the Constitution compromised their substantive disagreements to solve a potentially explosive political problem”. (Keyssar 2000, 24). As a result, “the people” of the United States, was a term left up to individual state definition. This seemingly innocuous oversight, has had profound implications for American democracy: essentially resulting in the divorce of the right to vote from citizenship (Keyssar 2000).

Suffrage rights have varied considerably across states and time. For most of US history voting was limited to a minority of American citizens. During the early years of the Republic, most states only granted suffrage to white, male landowners. It was thought that representation could be virtual, not actual, and that fair-minded, wise, wealthy white men could represent the interests of women, children, minorities, and the poor (Keyssar 2000). As Keyssar points out in his history of voting rights and democracy (2000), in the early years of the Republic only property owners were permitted to vote on the basis that 1) they had more of a “stake” in society and 2) they possessed sufficient independence to cast unbiased votes. It was argued that individuals who did not own property wouldn’t have the same vested interests in policy, especially taxation policy. Further, the Framers were concerned that if non-property owners were allowed to vote landlords would try to influence their tenants’ votes<sup>1</sup>. It was a common belief at the time that “anyone who failed to acquire property was of questionable competence and unworthy of full membership in the polity”. (Keyssar 2000, 5). This same logic applied to women, who were deemed to be dependent on their husbands and thus unable to vote independently. Additionally, it was thought that female “delicacy” rendered them incapable of the experiences necessary to understand the world of politics. It would take over a century and

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<sup>1</sup> The secret ballot had yet to be invented and most elections were either recorded in a ledger or taken by voice vote.



tireless work by woman's rights advocates before the 19<sup>th</sup> amendment, giving woman the right to vote, was ratified in 1920.

When it came to disenfranchising African Americans, it is worth noting that the number of states that excluded free blacks from voting was relatively small in the early years of the Republic. Blacks were widely believed to be cognitively inferior and unable to hold the necessary republican virtues needed to vote. However, due to the fact that slaves were ineligible to vote and most free blacks did not meet the property and tax requirement for voting, erecting formal barriers to participation would have affected a very small group of individuals. As the nation continued to expand and the number of free blacks grew, the number of states openly preventing blacks from voting also grew. By 1855, only Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont permitted free blacks to vote. This disenfranchisement of African Americans culminated in the 1857 Supreme Court ruling on *Dred Scott v. Sandford*. The court's decision stated that blacks, whether slave or free, could not hold American citizenship and therefore were not protected by the Constitution and had no standing in federal courts (Finkelman 2007). Ultimately, it took a bloody civil war to begin the reversal of this endemic pattern of exclusion and to lay the foundation for a more inclusive electorate.

Following the Civil War, the fifteenth amendment was ratified and formally prohibited federal or state governments from denying a citizen the right to vote based on their "race, color, or previous condition of servitude". Not everyone was pleased with this new constitutional provision and in the ensuing Post-Reconstruction era many formerly confederate states began to take legislative action to counter the new amendment. Despite the fact that blacks were legally eligible to vote under federal law, political elites were successfully able to prevent many of them from participating in the democratic process by passing election laws that made it difficult, if not

impossible, to vote. Poll taxes, literacy tests, grandfather clauses, and white primaries proved effective legislative tools for excluding blacks from voting without impacting white voters.

These new laws, termed “Jim Crow” voting laws, were very popular. By 1903, every southern state except one had a poll tax in place requiring voters to pay an assessment before being allowed to vote (Riker 1965). Seven states adopted literacy test; which required voters to demonstrate that they could read and write before being allowed to vote (Riker 1965, 60). There were also “grandfather clauses” and other measures put in place to allow illiterate white citizens to vote. These literacy tests purposefully left considerable discretion to local officials for the purpose of encouraging discrimination against black voters (Rosenstone and Hansen 1993, 198). White primaries, which blatantly prevented blacks from voting, were also common (Key 1949, 626-32). As a result of these legislative efforts, in southern states nearly all black citizens were disenfranchised by the early nineteen hundreds. It may come as a surprise to many that most of these restrictive electoral laws remained in effect until after World War II. The culmination of Jim Crow laws resulted in less than 15% of eligible southern black voters voting in the 1956 presidential election (Brown-Dean, Hajnal, Rivers, and White 2015).

Jim Crow laws were not the only threat to voting rights in the 19<sup>th</sup> and 20<sup>th</sup> century. In the 1800s voter registration laws were passed in response to large waves of immigration in an effort to “put an end to stolen elections by making it more difficult for immigrants, blacks, Indians, Chinese and Mexicans to vote, either legally or illegally”. (Rosenstone and Hansen 1993, 205). These laws were so successful that voter turnout dropped 17 percent between 1896 and 1916 as a result of the new requirements (Burnham 1987). It would take nearly a century for Congress to pass legislation addressing voter registration. In 1993 under the Clinton administration, the National Voter Registration Act was passed. The Act did not eliminate restrictive voter

registration laws, but it did increase the number of eligible citizens who register to vote by making registration available at the Department of Motor Vehicles, and at public assistance and disabilities agencies.

In the early 60s, large-scale efforts in the South to register African Americans to vote intensified. The most notable of these, Freedom Summer and the three Selma to Montgomery marches in 1965, brought national attention to the issue of voting rights. The climax of these efforts resulted in a crowd of 25,000 gathered at the Alabama state capitol as Dr. Martin Luther King Jr. addressed the crowd and called for an end to segregation and voting discrimination (Reed 1965). That same year, Congress adopted measures to help safeguard the voting rights of black Americans. On January 23, the Twenty-fourth Amendment was ratified by the states, ensuring that the right to vote in federal elections will not be denied for failure to pay any tax. Later that year, President Johnson signed the Voting Rights Act into law, which forbid states from imposing racially discriminatory restrictions on who could vote, and provided mechanisms for the federal government to enforce these new statutes. When the act was passed, only one-third of all voting age African Americans were registered to vote in the specially covered states. In contrast, two-thirds of eligible whites were registered to vote in these states (Brown-Dean, Hajnal, Rivers, and White 2015).

Clearly, during much of the nations history, *the people* of the United Sates were a very select group and hardly a majority of the citizenry. The Voting Rights Act, the nineteenth amendment, and the National Voter Registration Act have all increased the size of the American electorate considerably. Despite this progress, however, legislative bodies continue to use their power to shape electoral institutions and voting rights.

## **Voter Disenfranchisement in the 21<sup>st</sup> Century**

It has been 50 years since Dr. King gave his seminal address at the Alabama state capitol, calling for an end to voting discrimination. The current state of American democracy is considerably less bleak than it was 50 years ago, yet to many it may come as a surprise that participation in politics in America is still inequitable. While it is certainly true that the Civil Rights Movement began to undo many discriminatory voting laws, there are still millions of American citizens who are both directly and indirectly excluded from the electorate. Perhaps most troubling is the reality that the US electoral system suffers from a bias that is disproportionately slanted against disadvantaged groups such as minorities, the disabled, the elderly, and the less educated (Niemi, Hanmer, Bederson, Conrad and Traugott 2008; Tomz and Van Houweling 2003; Knack and Kropf 2002; Ansolabehere 2002). Although 6 of the 17 constitutional amendments have expanded the electorate, voting is still not a Constitutional right in the US and states continue to define the rules governing participation.

### **Direct Exclusion**

Current US voting laws directly prevent millions of American citizens from voting every year. There are three primary sources for this exclusion, the residents of the District of Columbia who lack representation in Congress, the inability of citizens living in US Territories to vote in federal elections, and the disenfranchisement of felons. All these people are US citizens, yet do not retain the right to vote in all federal elections. The 6.5 million residents in the District of Columbia pay US federal taxes, but have no electoral representation in Congress. Then there are the 4 million Americans living US Territories, such as Puerto Rico, Guam, American Samoa and the U.S. Virgin Islands, who cannot vote for the President and have no voting representation in the Congress, despite being US citizens. It is ironic that US citizens who move abroad to a

foreign country retain their rights to vote in US elections, but those who move to US Territories do not. Finally, there are an estimated 5.85 million Americans who are unable to vote as a result of state laws that prohibit individuals with felony convictions from voting (Chung 2013).

Felony disenfranchisement varies significantly across states, yet nearly every state prevents felons from voting in some way (Vermont and Maine are the only exceptions). Ten states go as far as to bar anyone with a felony on their record from voting, even after they have fully served their sentences (Chung 2013). These laws have a profound impact on the number of eligible voters in a state, with the percent of disenfranchised voters as high as 10% of the voting age population in states such as Florida (Chung 2013). The issue is further exacerbated by racial disparities in the US criminal justice system where 1 out of every 13 African Americans is unable to vote as a result of felon voting laws (Chung 2013).

Laws preventing felons from voting are not politically neutral. For example, when looking at public opinion on felon disenfranchisement laws, a majority of Americans believe that voting rights should be returned to felons after they have served their sentences. Republicans, however, were significantly more likely to support felon disenfranchisement than Democrats or independents (Pinaire, Heumann, and Bilotta 2002). This is perhaps less surprising when considering the fact that felons are more likely to support Democratic candidates over Republican candidates. According to a study by Manza and Uggen (2004), an estimated 73% of felons would support Democratic candidates if they were allowed to vote. When looking at the long-term implications of these laws, Manza and Uggen conclude that “felon disenfranchisement has provided a small but clear advantage to Republican candidates in every presidential and senatorial election from 1972 to 2000”. (2004, 497).

## **Indirect Exclusion**

Millions of American citizens are directly prevented from voting under current electoral law. Even more are indirectly prevented from voting as a result of either intentional or unintentional manipulation of voting laws. Specifically, there are three areas in which political scientists have identified indirect exclusionary effects of electoral law. Scholars have found evidence of political exclusion in the technology used in voting, the location and placement of precincts, and voting procedural laws (i.e. voter registration laws, voter ID laws).

Ansolabehere and Stewart (2005) found significant evidence of increased residual votes depending on the voting technology used to cast or count votes. The authors do not examine the specific question of political inequality within voting technology, but they do assert that their research has direct implications for a potential discrimination due to the fact that “votes are not counted the same by different technologies” (386). If certain communities are more likely than others to have antiquated or less accurate voting technology, this could have serious consequences. Knack and Kropf (2002) were among the first scholars to examine this topic closely and found that the type of voting technology used in a given precinct was largely determined by the wealth of the county. Wealthier counties were more likely to have newer and improved voting technology, while poorer counties were more likely to have antiquated equipment. Knack and Kropf’s findings have been confirmed by subsequent research (Garner and Spolaore 2005). Research focused on minority poverty levels has found that “counties where minorities make up more than half the population, economic resources are more constrained” (Samuels, Probst, and Glover). While these studies do not identify *intentional* discrimination,

because minorities are on average are more likely to live in poorer counties, they are also disproportionately more likely to have their votes incorrectly counted or not counted at all.

The accessibility and usability of voting technology is an additional concern. A number of studies have found that certain technologies are more confusing than others for minorities, resulting in an increase in the number of residual votes generated (Tomz and Van Houweling 2003; Buchler, Jarvis, and McNulty 2004). Minorities are not the only group of citizens to be affected by voting technologies. Research indicates that the current voting technology used in the US presents especially difficult challenges for the illiterate and undereducated segments of the population. Regardless of whether it is a result of intentional or accidental discrimination, the evidence suggests that voting technologies in the US do discriminate against minorities and the less educated.

The location of polling places also present concerns for the equality of voting in the US. Research has found that voters are very sensitive to the cost associated with voting (Haspel and Knotts 2005). Initially, the location of polling places may seem like an inconsequential bureaucratic detail. Haspel and Knotts (2005) demonstrate that polling locations and changes in polling places have a significant impact on an individual's likelihood of voting. Individuals without automobile transportation are particularly affected by polling locations. In fact, the authors found that when automobiles are not generally available, "the likelihood of voting drops from .664 at a distance of .01 miles to .418 at the median distance of .69 miles". This effect is considerably less when automobiles are generally available. Considering that the educated, white, elderly, and wealthy are already more likely to vote, we should be especially sensitive the costs incurred by low-income individuals, who already are less likely to vote and thus underrepresented.

Most recently, states have begun to further shrink the electorate by passing restrictive voter ID laws. The strictest of these laws require voters to present a state or federal photo ID before being allowed to cast their ballot. Since the 2000 election, state voter ID laws have been on the rise. A majority of states have now passed legislation that requires voters to show some form of identification to vote and over 20% require voters to present a government-issued photo ID prior to being allowed to vote. Proponents of ID requirements maintain that they are necessary to prevent voter fraud by preventing ineligible voters, such as felons, noncitizens, nonresidents, and individuals who have already voted, from voting illegally (Overton 2007). Despite these claims, the evidence that voter fraud is common in US elections is nonexistent.

What proponents of voter ID laws fail to acknowledge is the potential for political exclusion inherent in this type of legislation. Many citizens, especially racial minorities, are less likely to have appropriate or current government IDs and risk being discriminated against by new identification requirements.<sup>2</sup> In fact, A South Carolina voter ID law was denied Department of Justice approval because federal officials estimated that minority voters were 20% more likely than whites to not possess valid, government-issued photo-identifications. Unfortunately, there is little academic research that attempts to quantify the impact of voter ID laws on minorities, thus the extent to which minorities are excluded from participation as a result of these laws is unknown. This dissertation addresses the need for further research on voter ID laws by analyzing why certain states are adopting voter ID laws, 2) the effect these laws have on voter turnout among minorities, and 3) the potential demobilizing impact of political messages surrounding voter ID laws on minorities. Three separate empirical projects makeup the body of the

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<sup>2</sup> A 2006 Brennan Center study suggests that as many as 11% of Americans do not have a government issued photo ID; the estimate is based on the results of a phone survey of 987 voting age citizens (Brennan Center 2006).



dissertation. They are each briefly outlined below. The fifth and final chapter of the dissertation summarizes the findings of these projects and discusses their collective implications for democracy and equity within the US electoral system.

## **Overview of the Dissertation**

### **Chapter 2**

Although voter ID laws have been around since the 1950s, it is only recently that they have been in the political spotlight. Prior to 2002, voter ID laws were mostly uncontroversial and relatively rare. After the upheaval and recount of the 2000 presidential election, however, voter ID laws became increasingly popular and controversial. In 2002 Congress passed the Help America Vote Act that set baseline standards for voter registration processes, poll worker training, and election administration. Thirty-four states have now extended these basic requirements to include additional identification requirements for voting. These additional requirements range from requiring voters to present a government issued photo ID, to simply having poll workers request (but not require) government photo or non-photo ID. Despite the rapid diffusion of voter ID laws across the states, political scientists know very little about why states are adopting them.

This chapter explores two important questions regarding the adoption of state voter ID laws: 1) are there shared characteristics among states adopting these laws and if so 2) which characteristics contribute to the adoption of these laws. Specifically, this chapter answers the important questions about any bias in state adoption of these laws. For example, are these policies adopted equally in Democratic vs. Republican controlled state governments? Are states with higher percentages of minority voters more likely to adopt voter ID laws? And what role

does perceived or actual voter fraud play in the adoption of these laws? To answer these questions, I collected state level data on all 50 states from 2003, the year after the Help America Vote Act was passed, through 2012. Building on the Diffusion of Innovation framework, I find that while Republican legislatures are more likely to adopt restrictive ID laws, political party is not the sole determining factor. In particular, voter ID laws diffuse across ideologically similar states as states imitate previous adopters. State demographic characteristics, including the percentage of Hispanics and those living below the poverty level, also have a significant impact on adoption.

### **Chapter 3**

Despite the legislative and legal battles over voter ID laws, there is a limited amount of research that has examined the impact of voter ID laws on voter turnout. Research on the impact of voter ID laws report little to no aggregate reduction in turnout after states adopt photo-ID laws (Alvarez, Bailey, and Katz 2007; Mycoff, Wagner, and Wilson 2009; and Milyo 2007). Political scientists have found mixed evidence that the reduced likelihood of possessing an ID leads to a reduction in turnout for various subgroups of the electorate. While research at the aggregate level has been inconclusive, an analysis at the individual level allows for further exploration into the costs incurred by these new laws without the limitations of aggregate data.

In this project, I depart from the previous literature and look at the effect of voter ID laws at the individual level. This chapter specifically explores the relationship between voter ID laws and election turnout among minority populations. Using multilevel modeling techniques, I analyze a nationally representative survey of registered voters to explore the effects of voter ID laws on a citizen's likelihood of voting in the 2012 presidential election. I control for both state and individual factors, such as campaign spending, electoral closeness, and policy at the state

level, and education, income, race, age, and the possession of a valid photo ID at the individual level. Beyond restricting legal voters who lack the proper ID from voting, I find that voter ID laws are further demobilizing Hispanic voters, even when they possess the required identification.

## **Chapter 4**

My findings in chapter 3 indicate that voter ID laws reduce turnout among Hispanics, but cannot explain why this is happening. Chapter 4 builds upon these findings and seeks to understand why voter ID laws reduce turnout in minority populations. Voter ID laws explicitly prevent those without the appropriate ID, predominantly minorities, from voting. It is currently unclear, however, what indirect impact these laws can have on the political behavior and efficacy of minority voters. In particular, scholars disagree on the mobilizing or demobilizing effects. Do voter ID laws demobilize minority voters? Or do they create a backlash and mobilize minorities?

While I find that voter ID laws reduce turnout among Hispanics in the 2012 election, others suggest that these laws may have created a backlash and thus mobilized minority voters to participate in higher numbers (Berman 2012, Tinberg, Craig, and Parker 2012). To answer these questions, I employ data from an experiment embedded in a survey on attitudes about voter ID messages with a population sample from Amazon's Mechanical Turk subject recruitment tool and a separate convenience sample of college students. Although this is preliminary research, I find evidence of an interpretive policy feedback effect from voter ID laws. Black respondents exposed to messages presenting ID laws as necessary to prevent fraud are significantly more likely than the control group to have lower levels of political efficacy. I do not find any effects, either reactionary or demobilizing, among Hispanics.

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## Chapter 2

### Preventing Fraud or Procuring an Electoral Advantage? The Adoption of State Voter ID Laws

#### Introduction

All but sixteen states now require voters to show some form of identification before casting a ballot. Eleven of these states require voters to present valid photo identification prior to being allowed to vote (National Conference of State Legislatures 2014). The debate surrounding these relatively new laws is both inflammatory and polarizing. Those who support ID requirements at the polls claim they are necessary to prevent voter fraud and to preserve the integrity of the electoral system. Supporters, predominantly conservatives, point out that even former U.S. Supreme Court Justice John Paul Stevens recognized the need to prevent voter fraud. Writing for the court in *Crawford v. Marion County Election Board* (2008), Justice Stevens wrote “examples of such fraud in other parts of the country have been documented throughout this Nation’s history by respected historians and journalists,” demonstrating “that not only is the risk of voter fraud real but that it could affect the outcome of a close election”. Opponents of voter ID laws voice concern that these laws discriminate against minorities and the poor. They point out that voter impersonation, the only type of voting fraud ID laws could prevent, is extremely rare.<sup>3</sup> Opponents conclude that efforts to resolve an unsubstantiated problem are not worth the risk of disenfranchising underrepresented voters.<sup>4</sup>

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<sup>3</sup> Empirical studies have been unable to find evidence that voter impersonation is widespread or common in US elections (Brennan Center for Justice 2006; Khan and Carson 2012).

<sup>4</sup> Several large scale surveys of the American public have documented significant disparities in the possession of government issued IDs by race and income (Barreto, Nuno, and Sanchez 2009; Hood and Bullock 2008; Stewart 2013)

Despite the controversy, voter ID laws continue to remain very popular. States continue to adopt some form of new ID law each year. In the last four years alone, fifteen states have passed new voter ID laws. A majority of state legislatures have now adopted laws that require voters to show some form of identification to vote. The proliferation of voter ID laws prompts the question of why states are choosing to adopt such controversial laws. This project explores two important questions regarding the adoption of state voter ID laws: 1) are there shared characteristics among states adopting these laws and if so 2) which characteristics contribute to the adoption of these laws. Specifically, this project answers important questions about the motivation for adopting voter ID laws. Anecdotal explanations portray the adoption of voter ID laws as a classic partisan debate between Republicans and Democrats. Theories of policy diffusion, however, suggest that the innovation of state policies is more complex than political considerations alone. Diffusion theory indicates that factors contributing to a state's decision to adopt new legislation extend beyond internal state characteristics, such as politics, the economy, and social issues, to include external factors and policy learning among states. From the current research, it is unclear whether the adoption of voter ID laws can be explained by partisanship alone or if there are other factors that influence adoption, as theories of diffusion suggest. To answer these questions, I collect and analyze state-level data on all 50 states from 2003, the year after the Help America Vote Act was passed, through 2012.

### **The History Voter ID Laws**

Given the recent controversy over voter identification laws, it might come as a surprise to some that these laws are not new. In fact, the first voter ID law was adopted over 60 years ago. In 1950, South Carolina became the first state to require voters to present identification at the polls. The new law requested that voters show a document with their name on it before casting a



ballot. Twenty years later, Hawaii (1970) and Texas (1971) passed similar laws, with Florida (1977) and Alaska (1980) following soon after. Some of these ID laws requested voters to show valid photo IDs, while others did not. They all provided alternative means, such as signing an affidavit, for voters to cast a regular ballot if the voter did not have the requested ID. By the year 2000, a total of 14 states, with both Democratic and Republican majorities, had some form of voter ID requirement in place. These voter ID laws received minimal attention by the public or the press. After the recount and controversy of the 2000 presidential election, that began to change.

Following the confusion surrounding voting procedures in the 2000 election, Congress passed the Help America Vote Act (2002; hereafter HAVA) . As outlined in the Act, the goals of HAVA are to establish a program that 1) provides funds to replace punch card voting systems in the states, 2) establish the Election Assistance Commission, and 3) establish minimum election administration standards for states (Federal Election Commission 2002). One of the provisions of HAVA requires states to ensure that voter registration records are accurate and up-to-date. To insure the accuracy of voter registration rolls, the Act stipulates minimum requirements for authenticating the identification of voters when they register to vote. Voters registering by mail, for example, are required to provide a document verifying their current address, such as a recent utility bill or bank statement. They are also required to present a valid photo-identification when voting in person.

Not surprisingly, states reacted to these minimum standards in a number of ways. Republican lawmakers in many states pushed to extend the minimum standards laid out in HAVA, requiring all voters to show government-issued identification not only when they register, but also when they vote. Proponents of these new laws argue that requiring voters to present photo

identification preserves the integrity of elections by reducing the risk of fraudulent voting and ensuring that elections are fair. Other states have maintained the minimum standards of HAVA; requiring voters to show proof of identification when registering to vote, but not requiring identification for voting. These, primarily Democratic, opponents of photo ID laws argue that these new restrictions are unnecessarily burdensome and prevent many, otherwise eligible citizens, from voting. They emphasize that many eligible voters do not have a government-issued photo ID. Of particular concern is the reality that minority groups, the elderly, the disabled, and students are less likely to have IDs than the rest of the populations (Weiser and Kasdan 2012).

In 2005, the Commission on Federal Election Reform made a bipartisan recommendation for voter identification at the polls. The state of Indiana was the first state to follow this recommendation and implement a strict voter identification law. As opposed to *requesting* an ID, this new “strict” law *required* voters to present an ID. Beginning in 2006, all registered voters in Indiana were required to present a government-issued photo ID in order to vote (Hershey 2009). Voters attempting to cast a ballot without the required ID are allowed to fill out a provisional ballot. In order for the provisional ballot to be counted, however, the voter must present the required ID at an election office within ten days of the election, or the ballot is discarded. Citizens opposing the law challenged it in federal court. Democrats and civil rights groups supported this lawsuit and the case eventually made its way to the Supreme Court. In *Crawford v. Marion County Election Board*, the Court ruled in a 6 to 3 decision that, “the application of the statute to the vast majority of Indiana voters is amply justified by the valid interest in protecting the integrity and reliability of the electoral process”. After the Supreme Court’s 2008 decision to uphold the Indiana law, states without ID requirements began to adopt

them and states with less-strict requirements adopted more restrictive ones. Since 2008, over two thirds of states have introduced legislation to require a photo ID for voting. In the last four years the pace of adoption has accelerated. As of 2015, thirty-four state legislatures have passed voter ID laws that go above the stipulated requirements of HAVA. Eleven of these states have passed strict photo ID requirements.

Legal challenges have successfully overturned voter ID laws in both state and federal courts. The Obama administration used power granted to the Department of Justice (DOJ) under Section 5 of the 1965 Voting Rights Act to invalidate voter ID laws in Texas and South Carolina. These federal challenges to state voter ID laws were filed under the authority of the Voting Rights Act of 1965 (VRA). The VRA required that new election laws, in all or parts of 16 states with a history of discriminatory election practices, must be either pre-approved by the DOJ or approved by a federal court. In 2013 the Supreme Court ruled 5 to 4, in *Shelby County v. Holder*, to overturn key sections of the VRA, effectively putting a halt on the DOJ's efforts to challenge state voter ID laws in states such as Georgia, North Carolina, and Texas. These states now have the ability to pass new voting legislation without approval by DOJ or the federal courts. Many of the states previously covered under the VRA, including North Carolina and Texas, have already passed strict photo ID laws.

### **Diffusion of Innovation**

In the US, individual states adopt numerous policy innovations across a range of issues each year. These innovations refer to the adoption of policies that are *new* to the government adopting them, but not necessarily an original idea (Walker 1969; Berry and Berry 2007). Scholars of diffusion argue “these innovations are especially important because they are rarely confined to a single state”. (Berry and Berry 2007, 193). This prompts the question as to why

policies diffuse across the states and what factors contribute to their diffusion. The policy innovation and diffusion literature offers a framework to explain policy adoption and provides a theoretical platform to assess why so many states have chosen to adopt controversial voter ID laws.

From the beginning, the research on policy innovation and diffusion has focused on learning as an avenue for policy diffusion. Walker was among the first scholars to research the effects of policy diffusion among the American states. In his pivotal study (1969) he found that certain states, especially those with higher income, education, and urbanization, were more likely to act as leaders in the adoption of new policies. He reasoned that other states were likely to follow these innovators and found that “the likelihood of a state adopting a new program is higher if other states have already adopted the idea”. (Walker 1969, 897). His findings were challenged by Virginia Gray (1973); who argued that this was too simple a view of diffusion. While her research on policy innovations in education, welfare, and civil rights, did demonstrate some amount of diffusion and learning, her graphical analysis suggested that diffusion patterns varied depending on the issue and the level of federal involvement (Gray 1973). She concluded that innovation among states was not pervasive and that it was issue-and time-specific at best (Gray 1973, 1185).

Berry and Berry reconciled the work of Gray and Walker in their 1990 study on state lottery policies. Observing that the previous models of state policy adoption had been largely focused into two separate groups, those who emphasized internal determinants and those who espoused regional or other external influences, they proposed combining the two theories (Berry and Berry 1990). The internal determinants models suggest “the factors leading a jurisdiction to innovate are political, economic, or social characteristics internal to the state”. (Berry and Berry

2007, 224). Contrastingly, diffusion models are “inherently intergovernmental; they view state adoptions of policies as emulations of previous adoptions by other states”. (Berry and Berry 2007, 224). Berry and Berry’s (1990) innovative approach allowed for the analysis of both internal determinants and external models simultaneously and set off a flurry of scholarly work on policy innovation. In short, policy diffusion can transpire as a result of internal political, social, or economic issues *or* as a result of policy learning across state borders.

Much of the initial research on diffusion focused on geographical proximity as a driving force behind policy communication and learning. Scholars have found evidence of geographical diffusion in numerous policy areas, however; limiting diffusion to regional influences fails to fully capture the important role that information plays in the policy adoption process. More recent research has expanded the theoretical scope beyond the regional model of diffusion on the premise that geographic learning is only one small aspect of the policy diffusion process. In particular, scholars have found that policy learning and policy imitation can influence a state’s decision to innovate. Policy learning transpires when policymakers in one jurisdiction adopt a policy based on information gained by observing the effectiveness or success of a policy adopted by another jurisdiction (Braun and Gilardi 2006). Policy imitation, on the other hand, occurs when governments seek to emulate the policy choices of other governments with similar characteristics. The major difference between learning and imitation is that learning centers on the *policy* being adopted by another government while imitation focuses on the *government* that is adopting the policy (Shipan and Volden 2008).

Grossback, Nicholson-Crotty, and Peterson (2004) proposed that the diffusion of policy innovations across the states is influenced by ideological similarities between states. They theorized that similar ideology between states could reduce the uncertainty a state may have

about a policy and thus induce emulation. Even after controlling for geographic proximity, they found that ideological similarity was a statistically significant predictor of policy adoption within the three policy areas in their analysis. Subsequent research has confirmed this theory and found that the similarity of states' ideological leanings can have a significant effect on the likelihood of policy adoption and diffusion (Volden 2006). Given the intense partisan debates surrounding voter ID laws, ideological diffusion may be a predictor of the adoption of voter ID laws.

Scholars who study comparative state policy have found evidence for diffusion in numerous policy areas such as anti-smoking laws, education policy, individual income tax, and abortion policies (Shipan and Volden 2006; Mintrom and Vergari 1998; Berry and Berry 1990; Mooney and Lee 1995), yet there is a very limited amount of research on the diffusion of voting laws. There are currently two published studies looking at the adoption of voter ID laws. Hicks, McKee, Sellers, and Smith's 2014 article evaluates the likelihood that a state legislature introduces a voter ID bill and the likelihood that a state actually adopts a new voter ID law. They focus on the partisan debate and find that both the introduction and adoption of voter ID laws are driven by a combination of partisan control and the electoral context. They find that Republican lawmakers increase the likelihood of adoption, but this effect is significantly weaker in electorally uncompetitive states. Rocha and Matsubayashi (2014) conduct a similar analysis and also find that Republican governments increase the likelihood of a state adopting a voter ID law, however, they find this effect is weakened by minority group size. While both studies control for neighboring state diffusion, neither examine the impact of ideological diffusion on adoption.

### **Expectations and Data**

The theory of internal determinants suggested that the factors leading a jurisdiction to innovate are *internal* to the state and include political, economic, or social characteristics (Berry

and Berry 2007, 224). Diffusion theory proposes that state adoptions of policies are emulations of previous adoptions by other states. As such, diffusion is both intergovernmental and exogenous to the state (Berry and Berry 2007). To assess which internal and external factors influenced the adoption of ID laws, I compiled an original state-level data set from secondary sources. Data were collected for each of the 50 states for the 10 years between 2003 and 2012. The unit of analysis is the state-year. Thus, there are 500 observations in the data set, compiled of 50 states over a ten-year period.<sup>5</sup>

### **Dependent variable**

To measure the adoption of voter ID laws, I rely on the Voter Identification Policy rubric from the National Conference of State Legislatures (hereafter NCSL). Since 2001, the NCSL has been tracking the adoption of voter ID laws. They categorize state Voter ID laws into 4 main categories; no law, ID required, non-strict photo ID, and strict photo ID. The key distinctions are between whether the law is “strict” and whether or not it requires an ID with a photo. In strict states, a voter cannot cast a ballot without presenting the ID. Non-strict laws will ask for ID, but if voters do not have the appropriate ID they may be permitted to vote using other means. For example, in some states voters can sign an affidavit of identity, or if the poll worker knows them personally they may be able to vouch for them. States which are categorized as “strict photo” require that a voter present a valid government issued photo ID in order to vote. If a potential voter does not have the appropriate identification they will be required to vote using a provisional ballot. For their vote to count, the voter must return before the election is canvassed (usually a few days after the election) and present their photo ID to the county clerk’s office.

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<sup>5</sup> This number is reduced to 490 due to the need to exclude Nebraska from the analysis because of its non-partisan legislature.

**Table 1: State Adoption of Voter ID Laws After HAVA**

<b>States</b>	<b>Photo ID Laws</b>		<b>Non-Photo ID Laws</b>	
	<i>Strict Photo</i>	<i>Non-Strict Photo</i>	<i>Strict Non-Photo</i>	<i>Non-Strict Non-Photo</i>
Alabama	-	2011	-	2003
Arizona	-	-	2004	-
Arkansas	2013	-	-	-
Colorado	-	-	-	2003
Georgia	2005	-	-	-
Idaho	-	2010	-	-
Indiana	2005	-	-	-
Kansas	2011	-	-	-
Minnesota	2012	-	-	-
Mississippi	2011	-	-	-
Missouri	2006	-	-	2002
Montana	-	-	-	2003
New Hampshire	-	-	-	2012
North Carolina	2013	-	-	-
North Dakota	-	-	2013	2003
Ohio	-	-	2006	-
Oklahoma	-	-	-	2009
Pennsylvania	-	-	-	2012
Rhode island	-	-	-	2011
South Carolina	-	-	-	2011
South Dakota	-	2003	-	-
Tennessee	2011	-	-	-
Texas	2011	-	-	-
Virginia	2013	-	2012	2009
Washington	-	-	-	2005
Wisconsin	2011	-	-	-

\* Currently 16 states have no voter ID laws



Although voter ID laws vary considerably from state to state on the forms of ID that are acceptable, the existing literature typically differentiates between states with any voter ID law and those states which require a photo ID (Rocha and Matsubayashi 2014; Hicks, McKee, Sellers, and Smith 2014). To control for any bias in categorization, I measure voter ID laws as both a dichotomous variable and then as a scaled measure. I first distinguish between states with any voter ID laws (including photo ID laws) and then look at states with photo ID laws only. Thus, my first dependent variable includes all states that require voters to be asked for an ID at the polls, regardless of the type of ID required. My second dependent variable is limited to states with a photo ID requirement. Both these dependent variables follow the 1990 model from Berry and Berry and measure the probability that a state eligible to adopt will do so in that year. Accordingly, these measures are binary; where state  $i$  in time  $t$  without an ID law is coded as 0 and state  $i$  in time  $t$  with an ID law, is coded as 1. During the period of analysis, 28 states adopted some form of voter ID law. Finally, I also consider a scaled measure of voter ID laws. This final dependent variable is a numeric predictor ranging from 0 to 4. Using the guidelines from NCSL, states were coded 0 for no policy and 4 when they adopted a strict photo ID law.<sup>6</sup> Table 1 displays the adoption of voter ID laws, organized by strictness.

### **Independent variables**

The independent variables in the analysis correspond with those factors expected to influence policy adoption according to the theory of innovation and diffusion. My models attempt to account for a multitude of factors that theory suggests should influence the adoption

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<sup>6</sup> Because I am interested in the factors that lead a legislature to pass new ID laws, I consider the year a new law was passed, regardless of whether it was implemented. For example, many states passed voter ID laws, which were then challenged in state and federal courts and unable to be implemented the same year they were passed. Some ID laws were implemented several years after they were passed; others are still awaiting court decisions.

of voter ID laws. I include internal indicators of political, social, and economic state characteristics, as well as external measures of policy learning and diffusion. Table 2 presents the descriptive statistics for the data.

Table 2: Descriptive Statistics

Statistic	Mean	St. Dev.	Min	Max
DV 1: All ID Laws	0.290	0.454	0	1
DV 2: Photo ID	0.104	0.306	0	1
DV 3: Scaled ID Laws	0.554	1.146	0	4
Black	0.110	0.094	0.007	0.375
Hispanic	0.099	0.096	0.009	0.468
Poverty	0.130	0.033	0.054	0.231
Rep. Governor	0.514	0.500	0	1
Rep. Legislature	0.487	0.155	0.088	0.844
Ideological Distance - Photo ID	0.323	0.197	0.001	0.765
Ideological Distance - All ID Laws	0.256	0.158	0.0003	0.679
Voter Fraud	1.144	3.555	0	39
Voter Fraud Perception	0.785	0.069	0.633	0.955

**Political Characteristics.** Scholars of diffusion have long understood that political factors can provide significant motivation and pressure on state legislatures to adopt new policies. The political environment of the state has been shown to have a significant impact on policy adoption and innovation (Berry and Berry 2007). In the case of voter ID laws, the policy debate has become increasingly partisan; Republican lawmakers typically support voter ID laws and Democratic lawmakers usually oppose them.<sup>7</sup> Republican lawmakers ostensibly support voter ID laws on the grounds that they want to insure elections are fair and just. However, there is reason to suspect that their motivation for supporting these laws may be more strategic. In particular,

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<sup>7</sup> While a majority of the public support voter ID requirements, 88% of Republicans support photo identification requirement compared to only 54% of Democrats (Stewart 2013b).

those individuals most likely to be impacted by ID laws are more likely to support Democratic candidates.

Historically, Democrats have favored policies that enhance turnout, while Republicans support more restrictive voting laws. In an infamous example of this partisan divide, Paul Weyrich, co-founder of the conservative Heritage Foundation, was quoted in 1980 stating “They [referring to Democrats] want everybody to vote. I *don’t want everybody to vote . . .* As a matter of fact, our leverage in the elections quite candidly goes up as the voting populace goes down” (Palast 2012, 114). More recently, North Carolina county precinct GOP chair, Don Yelton, stated in an interview on the Daily Show that the state’s new photo ID law “is going to kick the Democrats in the butt,” adding that “if it hurts a bunch of lazy blacks that want the government to give them everything, so be it”. (The Daily Show with Jon Stewart 2013).<sup>8</sup> There are clearly potential partisan advantages to demobilizing certain groups of the electorate, even if it is not politically savvy to acknowledge this.

The most obvious indicator for the political environment of the states is the partisan composition of the legislature itself. If adoption of voter ID laws is driven by partisanship, the number of Republican lawmakers in a given legislature should impact the adoption of voter ID laws. I expect the likelihood of adoption to increase as the number of Republican lawmakers in a given state increases. My indicator includes the total number of Republican lawmakers in both legislative chambers divided by total legislative seats in a given state.<sup>9</sup> I also include a dummy variable to account for a Republican governor. Because Democratic governors may use their

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<sup>8</sup> Don Yelton resigned his position as GOP county precinct chair shortly following the interview on the Daily Show.

<sup>9</sup> Both the data for partisan composition of the legislature and party control of the governorship come from Klarner (2003). The data can be found on Carl Klarner’s webpage <http://www.indstate.edu/polisci/klarnerpolitics.htm>

position to veto new voter ID laws, the presence of a Republican governor should increase the likelihood of innovation.

**Social Factors.** Diffusion studies have found that there are a number of social factors, such as problem environments and state demographic characteristics, which can motivate or discourage policy innovation (Berry and Berry 2007). Depending on the policy being analyzed, these factors will invariably change. An important determinant of the motivation to innovate in the diffusion literature is problem severity. Depending on the severity of a problem, government officials may be influenced to adopt a policy directly or indirectly in an attempt to address the problem environment. For example, Mintrom and Vergari (1998) find that the greater the ratio of state education funding to local funding, the more likely a state legislature will be to consider institutional reforms such as school choice. There are several key social factors that could provide motivation for the adoption of voter ID laws, including the size of minority and low-income populations within a state and the presence or perception of voter fraud.

Studies have found that minorities and the poor are less likely to have valid photo identification. As a result, the adoption of voter ID laws could disproportionately affect these groups. Hood and Bullock (2008) found that African-Americans, Hispanics and the elderly in Georgia were less likely to possess a photo ID than other voters. Similarly, Barreto, Nuno, and Sanchez (2009) found that in Indiana minority, low-income, and less educated residents are less likely to possess a valid photo ID. Charles Stewart (2013) found that while possession of some form of government identification is nearly universal among American voters, there are significant disparities in ID possession by race. If the adoption of voter ID laws is driven by a desire to gain an electoral advantage, strategic politicians may adopt voter ID laws in response to

changes in state demographics deemed problematic for their party or personal reelection prospects.

Legislatures acting preemptively may view changes in the state's racial makeup as an indication of future changes in the electorate. It is well documented that black voters disproportionately support Democratic candidates and Hispanics are increasingly voting Democratic (Kohut 2012; Lopez and Gonzalez-Barrera 2013). If partisanship is driving adoption, states with larger numbers of minorities should be more likely to adopt voter ID laws. To control for this possibility, I include the proportion of a state's population that are minorities, either black or Hispanic, in the models.<sup>10</sup> It is also conceivable that legislatures are acting retrospectively and responding to increases in minority turnout from previous elections. Alternatively (or additionally), there is a third possibility that legislatures are predominantly focused on the present racial makeup of the electorate, thus relying on current voter registration numbers rather than turnout or population demographics. The existing literature has used all of the measures listed above. For example Rocha and Matsubayashi (2014) use the proportion of the state population that is either black or Hispanic, while Hicks *et al.* (2014) use the percentage of non-white voter registrants per state. As population data is available annually for all years of the analysis I chose to use it rather than voter registration data, which is only available biannually.

Like blacks and Hispanics, the poor are less likely than the wealthy to have valid photo identification (Hood and Bullock 2008; Barreto, Nuno, and Sanchez 2009). Also, like minorities, the poor are more likely to support the Democratic Party and less likely to support the Republican party (Gelman 2009). As a result, states with larger proportions of those living below

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<sup>10</sup> This data were obtained from the U.S. Census Bureau, Population Division accessible at <http://www.census.gov/popest/data/state/asrh/2013/SC-EST2013-ALLDATA5.html>.

the poverty level may be more likely to adopt voter ID laws to gain an electoral advantage. I measure poverty by the percentage of individuals living below the poverty level in a given state.<sup>11</sup>

Advocates of voter ID laws have emphasized growing electoral fraud in their support for voter ID laws. Presenting voter ID laws as a way to insure the integrity of the electoral process has remained a cornerstone argument in Republican support for voter ID legislation. Kris Kobach, the Kansas Secretary of State and a key proponent of strict voter ID laws, argues, fear of elections being stolen through voter fraud erode the credibility and integrity of elections (Kobach 2011). The official Republican Party platform (2012), includes a section with explicit warnings regarding the danger of voter fraud:

[W]e applaud legislation to require photo identification for voting and to prevent election fraud [...] Every time that a fraudulent vote is cast, it effectively cancels out a vote of a legitimate voter. Voter fraud is political poison. It strikes at the heart of representative government. We call on every citizen, elected official, and member of the judiciary to preserve the integrity of the vote. We call for vigorous prosecution of voter fraud at the State and federal level. To do less disenfranchises present and future generations. (Republican National Convention 2012).

Higher incidents of voter fraud could provide a compelling and credible motive for adopting restrictive voter ID measures. Consequently, higher numbers of reported fraud should increase the likelihood of adoption. Drawing on a comprehensive dataset compiled by News21, a Carnegie-Knight Initiative on the Future of Journalism Education, I control for a state's

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<sup>11</sup> I derive the number and percentage of those living below the poverty level from U.S. Census Historical Poverty Tables accessible at <https://www.census.gov/hhes/www/poverty/data/historical/people.html>.

experience with voting fraud.<sup>12</sup> I include a measure of the count of voting fraud cases for each state in each year of the analysis.

Despite claims of increasing voter fraud by supporters of voter ID laws, there is little evidence that voter fraud and impersonation are common. In its comprehensive study, News21 reporters sent thousands of requests to election officials in all 50 states, “asking for every case of fraudulent activity including registration fraud, absentee ballot fraud, vote buying, false election counts, campaign fraud, casting an ineligible vote, voting twice, voter impersonation fraud and intimidation” between the years of 2000 and 2012 (Khan and Carson 2012). In the resulting analysis, out of the 633 reported cases of voter fraud, they found only 10 cases of voter impersonation for the entire 12-year period.<sup>13</sup> Similarly, Hood and Gillespie (2012) conducted a rigorous analysis of the 2006 general election in Georgia, examining approximately 2.1 million votes cast, and found that voter fraud was remarkably rare.

If voter ID laws are really about gaining a partisan electoral advantage, it stands to reason that, regardless of their validity, reports of fraud can be strategically useful. In actuality, it is likely that the perception of voter fraud is far more influential in the adoption of voter ID laws. Data on public opinion and voting fraud is scarce at the national-level, let alone the state-level. No state-level data currently exists for all years in the period of analysis. The 2012 Survey on the Performance of American Elections (SPAEE), sponsored by The Pew Charitable Trusts and conducted by Charles Stewart, does provide state level data on the perceptions of voter fraud for the year 2012. Specifically, the SPAEE asked 200 respondents in each of the 50 states a series of

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<sup>12</sup> News21 data on voter fraud are available at <http://voting-rights.news21.com/interactive/election-fraud-data-base/>. I sincerely thank Steve Doig, with News21, for his assistance with data acquisition.

<sup>13</sup> In addition to others, this also includes double voting, felons attempting to vote, and individuals whose ballots are ineligible because they aren’t registered, or are voting outside their home precinct.

questions about how likely they thought various forms of voter fraud were in their city or county. I compile this data into an index and include a second model in the analysis that controls for the perception of voter fraud, as opposed to actual fraud.<sup>14</sup> While this measure certainly has its drawbacks, it at least provides some context on how public opinion regarding voter fraud might influence the adoption of ID laws.

**Economic Factors.** Scholars of diffusion have long known that wealthier states, in general, are more likely to be policy innovators (Walker 1969). Wealthy states possess the resources to have larger and more sophisticated bureaucracies and can afford to oversee and fund new policies. Less wealthy states have fewer resources to allocate to policy implementation. As far as implementation is concerned, voter ID laws are relatively inexpensive to adopt. Compared to the cost of adopting new educational curriculum or welfare expansion, the cost of implementing a new ID law would be minimal and thus seems unlikely to influence adoption. For this reason and due to state income being highly correlated with poverty levels and the percentage of minorities in a state, I do not include a measure of state income in the final analysis.

### **Diffusion of Innovation.**

As mentioned above, diffusion theories initially focused on geographical proximity as a driving force behind policy adoption. Geographical diffusion occurs in numerous policy areas; limiting diffusion theory to regional influences, though, fails to fully capture the important role that information plays in the adoption process. Scholars have found that it is not uncommon for policymakers to emulate the policies of governments with similar partisan or ideological orientations (Volden 2006; Grossback, Nicholson-Crotty, and Peterson 2004). Given the complex information environment of the current political climate, it seems unlikely that

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<sup>14</sup> The index was only computed for the year 2012 and thus does not vary over time. Each state-year in the analysis receives the same value.



neighborhood diffusion is a driving force behind such politically charged policies as voter ID laws. Because support for voter ID laws is polarized, with Republicans typically supporting increased voter ID requirements and Democrats generally opposing them, I expect diffusion will be more likely to occur among ideologically similar states, rather than geographically close states. For example, there is no evidence that conservative states, such as Kansas, look to their more liberal state neighbors, such as Colorado, when considering new election laws.<sup>15</sup> To capture the process of policy learning, I follow Grossback, Nicholson-Crotty, and Peterson (2004) and measure the absolute value of the ideological distance between a potential state adopter and the governments of all states that have previously adopted voter ID laws. According to their theory, the larger the difference between state  $i$  at time  $j$  and the previous adopters the less likely the probability of adoption becomes. The following formula was used to calculate the ideological distance of each state from previous adopters.<sup>16</sup>

$$\text{Ideological Distance} = \text{ABS}([(\text{Most Recent Adopter's Ideology} + \text{All Other Adopter's Ideology}) / 2] - \text{Potential Adopter's Ideology})$$

### Analysis

The adoption of voter ID laws was analyzed using hierarchical linear models (HLM). Logistic hierarchical models are typically the most suitable form of analysis for binary cross-sectional panel data. In this case, the presence of quasi-complete separation in the dependent variable resulted in the failure of the maximum likelihood estimator to converge, ruling out the use of logistic regression. Complete or quasi-complete separation happens when the outcome variable separates a predictor variable or a combination of predictor variables completely, or

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<sup>15</sup> I tested for the presence of regional diffusion and it was not found to impact adoption of voter ID laws, confirming this hypothesis.

<sup>16</sup> This index was calculated using the government ideology measure from Klarner (2003) mentioned above.

nearly so. In other words, an independent variable or group of independent variables that correctly predicts all or nearly all of the observations in the dependent variable would result in separation. In cases such as this, the logit function is unable to compute the maximum likelihood estimation. Some Bayesian solutions can be used to correct this problem, but they too are problematic. Despite the fact that the current data violates the assumption of independence of observations in the linear approach (due to state-years are correlated over time), in this case I believe it is the most efficient estimator.<sup>17</sup> In addition to running the HLM models, I reformatted the dependent variable and modeled the data using an event history/duration approach. For event history analysis, once a state adopts a policy (coded 1), it is dropped from the dataset in all subsequent years. While the separation is not as problematic in these models (the models do converge), the parameter estimates are still extremely large, making the event history models unreliable.

### Findings

Table 3 displays the regression results estimating the likelihood that state  $i$  adopts any voter ID law in year  $j$ . Model 1 displays the result with the measure of reported voter fraud, whereas Model 2 exchanges this measure for the measure of the public's perception of voter fraud. Models 3 and 4 are a replication of the first two models with the political party variables dropped due to their collinearity with the ideological diffusion variable. There is no significant relationship between the black population and adoption. Contrastingly, a significant relationship is found between the percent of the state that is Hispanic and the adoption of voter ID laws.

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<sup>17</sup> One of the assumptions of OLS is that there is no autocorrelation of error terms. When observations are combined across multiple states this assumption is violated. As a result, the observations are not independent draws; they are related and thus, OLS is not usually the best estimator.

Table 3: Regression Results

	<i>Dependent variable:</i>			
	Adoption of All ID Laws			
	Model 1	Model 2	Model 3	Model 4
Black	−0.186 (0.589)	−0.069 (0.631)	−0.302 (0.604)	−0.157 (0.645)
Hispanic	1.137* (0.545)	1.320* (0.621)	1.146* (0.559)	1.369* (0.635)
Poverty	3.648* (0.749)	3.573* (0.748)	3.289* (0.745)	3.245* (0.745)
Rep. Governor	0.043 (0.033)	0.042 (0.033)		
Rep. Legislature	0.705* (0.216)	0.712* (0.216)		
Ideological Distance	0.028 (0.111)	0.024 (0.111)	−0.149 (0.098)	−0.147 (0.098)
Voter Fraud	−0.0004 (0.005)		0.001 (0.005)	
Voter Fraud Perception		−0.558 (0.919)		−0.649 (0.944)
Hazard Rate	0.413* (0.167)	0.416* (0.166)	0.646* (0.149)	0.644* (0.149)
Constant	−0.678* (0.174)	−0.263 (0.707)	−0.232* (0.118)	0.246 (0.717)
Observations	490	490	500	500
Log Likelihood	−79.988	−74.680	−80.559	−75.356
Bayesian Inf. Crit.	259.086	229.887	248.123	219.072

*Note:*

\*p&lt;0.05

Poverty rates are also positively associated with the adoption of voter ID laws.<sup>18</sup> Consistent with the existing literature, the number of Republican lawmakers in a state significantly increases the likelihood of adoption. From these models, there is no indication that the party of the governor impacts adoption. The ideological distance between a state and those states which have adopted voter ID laws is not significant in any of the models. Finally, neither the measure of reported voter fraud nor the perception of voter fraud has a statistically significant impact. While this analysis confirms that the adoption of voter ID laws is driven by partisanship, it also demonstrates that adoption is impacted by the percentage of Hispanics and of those living below the poverty level in a state. Thus, previous analyses of the adoption of voter ID laws may be missing an important determinant of adoption.

Table 4 displays the result for the models estimating the likelihood that state  $i$  adopts a photo ID law in year  $j$ . Here again, Model 1 displays the results with the measure of reported voter fraud, while Model 2 uses the measure of the perception of voter fraud. Models 3 and 4 leave out the political party of the governor and state legislature. All the factors that influence the adoption of general voter ID laws also influence the adoption of photo ID laws. There are, however, a few additional factors that impact the adoption of photo ID laws. As mentioned above, the measure of ideological distance between adopters is highly correlated with the other partisan measures in the model. When the control for governor party and Republicans in the legislature is removed, ideological diffusion has a significant impact on the adoption of photo ID laws. As the ideological distance between states increases, the state becomes less likely to adopt a photo ID law. When taken as a whole, there is no evidence that states are imitating other states in adopting voter ID laws. When you zoom in on photo ID laws, however, states look to

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<sup>18</sup> To account for the correlation between minorities and poverty levels I ran the analysis with each measure separately and the results were substantively similar.

Table 4: Regression Results

	<i>Dependent variable:</i>			
	Adoption of Photo ID Laws			
	Model 1	Model 2	Model 3	Model 4
Black	0.154 (0.290)	0.370 (0.345)	0.056 (0.296)	0.237 (0.362)
Hispanic	0.388 (0.279)	0.884* (0.356)	0.362 (0.287)	0.798* (0.372)
Poverty	1.214* (0.500)	1.420* (0.512)	0.855* (0.502)	1.078* (0.518)
Ideological Distance	-0.131 (0.152)	-0.098 (0.154)	-0.341* (0.142)	-0.321* (0.146)
Voter Fraud	0.005 (0.003)		0.004 (0.003)	
Voter Fraud Perception		-1.071* (0.493)		-0.975* (0.522)
Rep. Governor	0.053* (0.027)	0.053* (0.028)		
Rep. Legislature	0.644* (0.139)	0.742* (0.146)		
Hazard Rate	0.550* (0.166)	0.519* (0.168)	0.723* (0.160)	0.726* (0.162)
Constant	-0.445* (0.134)	0.240 (0.385)	0.014 (0.095)	0.684* (0.399)
Observations	490	490	500	500
Log Likelihood	82.155	81.908	80.081	77.469
Bayesian Inf. Crit.	-65.199	-83.290	-73.157	-86.578

*Note:*

\*p&lt;0.05

ideologically similar states as policy leaders. The partisan debate surrounding non-photo non-strict ID laws pales in comparison to the debates surrounding photo ID laws, so this finding is not overly surprising. In the adoption of photo ID laws, the measure for the public's perception of voter fraud is significant and negatively associated with the adoption of photo ID laws.

Contrary to the expectations, states where citizens perceive voter fraud to be lower are the same states that are most likely to adopt photo ID laws. Although this should be explored further given the limitations of the data available for this measure, this suggests that legislatures are not responding to a problem environment. With photo ID laws, having a Republican governor has an impact on adoption. This indicates that Democratic governors might be more likely to veto photo ID laws than less restrictive ID laws. Given that photo ID laws are both more controversial and more likely to prevent minorities and the poor from voting than non-photo ID laws, this finding seems consistent with the theoretical framework.

The final set of models displayed in Table 5 show the results when measuring the adoption of photo ID laws as a scaled policy ranging from 0-4. With the exception that the measure for the percent of Hispanics in a state is not significant, these models confirm the findings in the previous models. These models indicate that the influence of poverty, partisanship, and ideological emulation are robust.

Table 5: Regression Results

	<i>Dependent variable:</i>			
	Adoption of Voter ID Laws (Scaled DV)			
	Model 1	Model 2	Model 3	Model 4
Black	0.423 (0.980)	0.706 (1.207)	0.026 (1.049)	0.352 (1.294)
Hispanic	-0.084 (0.915)	0.255 (1.241)	0.352 (0.984)	0.658 (1.334)
Poverty	7.329* (1.882)	9.099* (2.027)	6.346* (1.937)	8.059* (2.083)
Rep. Governor	0.310* (0.092)	0.332* (0.097)		
Rep. Legislature	2.330* (0.502)	2.666* (0.550)		
Ideological Distance	0.402 (0.349)	0.314 (0.351)	-0.559* (0.313)	-0.659* (0.304)
Voter Fraud	0.029 (0.049)		0.037 (0.050)	
Voter Fraud Perception		-0.438 (1.702)		-0.421 (1.835)
Hazard Rate	1.422* (0.451)	1.394* (0.472)	2.213* (0.427)	2.315* (0.446)
Constant	-1.999* (0.408)	-2.049 (1.332)	-0.419 (0.295)	-0.299 (1.405)
Observations	490	490	500	500
Log Likelihood	-572.806	-577.132	-597.048	-603.123
Bayesian Inf. Crit.	1,244.722	1,234.791	1,281.101	1,274.607

*Note:*

\*p&lt;0.05

## Conclusion

My analysis of the diffusion of voter ID laws across the American states moves beyond the general consensus that Republicans support these laws and Democrats do not. Party politics certainly play a role in the adoption of voter ID laws. Consistent with previous studies (Hicks *et al.* 2014; Rocha and Matsubayashi 2014), I find that Republican legislatures are more likely to pass stringent voter ID laws. However, a singular focus on the partisan debate misses an important element of the story. In addition to party politics, the diffusion of voter ID laws is driven by policy imitation among conservative states. This emulation transpires when a state determines that a policy in another ideologically similar state is worthy of adoption, independent of the policy's effectiveness. This finding provides some insight into why states are adopting voter ID laws undeterred by the lack of evidence for voter fraud or the existence of a problem environment. Despite arguments that voter ID laws are necessary to prevent voting fraud, the analysis does not support this claim.

The demographic make-up of a state also has a significant impact on the adoption of voter ID laws. There is a meaningful relationship between the adoption of state voter ID laws and states with higher Hispanic populations and also with the population living below the poverty level. This finding hardly seems coincidental given the voting preferences of these two groups towards the Democratic Party (Kohut 2012; Lopez and Gonzalez-Barrera 2013) and their disproportional likelihood of being affected by ID laws (Barreto, Nuno, and Sanchez 2009; Charles Stewart 2013). Although blacks are also at risk of being disenfranchised (Hood and Bullock 2008; Charles Stewart 2013), they may be more likely to organize against voter ID laws. The null finding for an association between the adoption of voter ID laws and the black population may be a result of the propensity of the black population to organize. While blacks have a strong



history of political organizing following the Civil Rights Movement, Hispanics and the poor have lower levels of political and social participation (File 2013; Foster-Bey 2008; De la Garza, Falcon, Garcia and Garcia 1998). Thus, legislatures may view the risk of political organizing against voter ID laws, which could upset any marginal advantage gained by their adoption, to be higher among blacks than either Hispanics or those living in poverty. In fact, there is some evidence from the 2012 election that blacks did indeed organize against voter ID laws (Berman 2012; Tinberg and O'Neal Parker 2012).

Voter ID laws have undergone a significant transformation since their first immergence in the 1950s. Unlike current voter ID laws, these early laws were rare and largely uncontested. Recent adoptions of voter ID laws are abundant and polarizing. During the time between the first adoption (1950) and the present day, the political landscape has dramatically changed. New electoral considerations now provide significant advantages to be gained by requiring voters to present IDs at the polling place. Consequently, what is a fairly straightforward law, in terms of its disproportional impact on certain social groups, has become a polarized issue. Both parties have taken strong stances on ID laws. Republicans have been vocal in their support of ID laws, especially photo ID laws, while Democrats have strongly opposed them. As this analysis demonstrates, the story is more complex than simple partisan bickering.

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## Chapter 3

### **The Disenfranchisement of Hispanic Voters: The Effect of Voter ID laws on Turnout in the 2012 Election**

#### **Introduction**

One of the most passionately debated election reforms in the last decade, voter ID laws, have increasingly been in the political spotlight. Advocates of voter ID insist that ID laws are essential in protecting elections from voter fraud. Without these laws, they claim there is no way to prevent ineligible voters (i.e. felons, noncitizens, nonresidents, etc.) from voting illegally (Overton 2007). Despite these claims, there is very little evidence to suggest that voter fraud is prevalent in US elections.<sup>19</sup> Opponents, on the other hand, argue that efforts to curtail potential fraud are not worth the risks of reduced voter turnout and the disenfranchisement of specific groups. They argue that certain segments of the population, especially racial minorities, the elderly, and the poor, are less likely to have appropriate or current government IDs and risk being discriminated against by new identification requirements.<sup>20</sup> This debate is currently playing out in federal courts as Texas and Wisconsin defend their state voter ID laws. The plaintiffs, in both cases, argue such laws unfairly burden poor and minority voters. While the jury is still out, these cases have highlighted the limited empirical research on voter ID laws. The

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<sup>19</sup> Recent figures suggest voting fraud in the U.S. is low; over a five-year period, from 2002 to 2007, about 120 people were charged with voter fraud and only 86 of those were convicted (Lipton and Urbina 2007).

<sup>20</sup> In a phone survey of 987 voting age citizens, a 2006 Brennan Center study found that as many as 11% of Americans do not have a government issued photo ID. Charles Stewart (2013) found that there are significant disparities in ID possession by race.

courts are turning to political scientists as expert witnesses, yet the current research has been unable to conclusively confirm the effects these laws have on minority turnout (Cohen 2014).

Current research shows that minorities are significantly less likely to have photo ID's (Barreto, Nuno, and Sanchez 2009; Hood and Bullock 2008; Stewart 2013). There are mixed findings, however, on whether photo ID laws have had a negative impact on minority turnout (Alvarez, Bailey, and Katz 2007; Mycoff, Wagner, and Wilson 2009; Rocha and Matsubayashi 2014; Vercellotti and Anderson 2006). This lack of research on voter ID laws is especially concerning considering that in the American political system voting is the means by which the people hold the government accountable for its actions. Limiting the ability for a particular segment of the citizenry to participate in democracy jeopardizes its representativeness. In this chapter I use a cross-national data set from all 50 states and hierarchical models to assess the impact that voter ID laws had on turnout in the 2012 election.

### **Assessing the Impact of Voter ID Laws**

The 2000 presidential election brought to light a number of issues regarding voting methods and registration requirements. In response to the concerns raised by the election recount, Congress passed the Help America Vote Act (HAVA), which sought to replace punch card voting systems and provide more uniform election standards across the states. In addition to other directives, the Act required states to standardize voter registration processes, poll worker training, and election administration. HAVA specifically stipulates that state voter registration records must be accurate and current. Towards this mandate, states are required to carefully verify the identity of voters registering by mail and request a valid photo-identification when these individuals vote in person.

These new federal standards acted as a catalyst to encourage the reevaluation of state voting laws; prompting a number of states extended the minimum requirements of HAVA. Many of these states have enacted legislation requiring all voters to present a government-issued ID before voting. Several states have taken this a step further and require voters to present a photo ID. Advocates of voter ID laws argue that requiring voters to present identification reduces the risk of fraudulent voting, ensuring fair elections.<sup>21</sup> By the 2012 presidential election, nearly every state had considered legislation to require ID at the polls. Fewer than half of the states have maintained the minimum federal standards that require voters to show proof of identification when registering to vote by mail, but not requiring identification for voting. Those who oppose voter ID laws argue that ID requirement prevent many registered voters from casting a ballot. Because minorities, seniors, the disabled, and the poor are less likely to have IDs than the rest of the populations, opponents worry that voter ID laws will further disenfranchise these already vulnerable populations (Weiser and Kasdan 2012; Stewart 2013).<sup>22</sup>

Indiana became the first state to implement a strict voter identification law that required all registered voters to present a government-issued photo ID in order to vote (Hershey 2009). Although voters without the required ID were permitted to cast a provisional ballot, in order for their vote to be counted they would have to present an acceptable ID to election officials within ten days of the election. Before the law could be implemented, Democrats and civil rights groups challenged it in federal court. The plaintiffs claimed that as many as 11% of eligible voters in

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<sup>21</sup> In its comprehensive study between the years of 2000 and 2012, News21 found out of the 633 reported cases of voter fraud, there were only 10 cases of voter impersonation for the entire 12-year period (Khan and Carson 2012).

<sup>22</sup> Opponents of strict photo ID laws point out the similarity between these laws and the discriminatory practices directed against African American voters prior to the passage of the Voting Rights Act in 1965. They compare voter identification to the poll tax, which was a tax used to disenfranchise minority voters outlawed by the Voting Rights Act.



Indiana did not possess a valid photo ID (Stohr 2008). The case eventually made its way to the Supreme Court. In a 6 to 3 decision, the Court upheld the law on the grounds that it did not impact a majority of Indiana residents and was justified in its intent to protect and uphold the integrity of elections (*Crawford v. Marion County Election Board*).

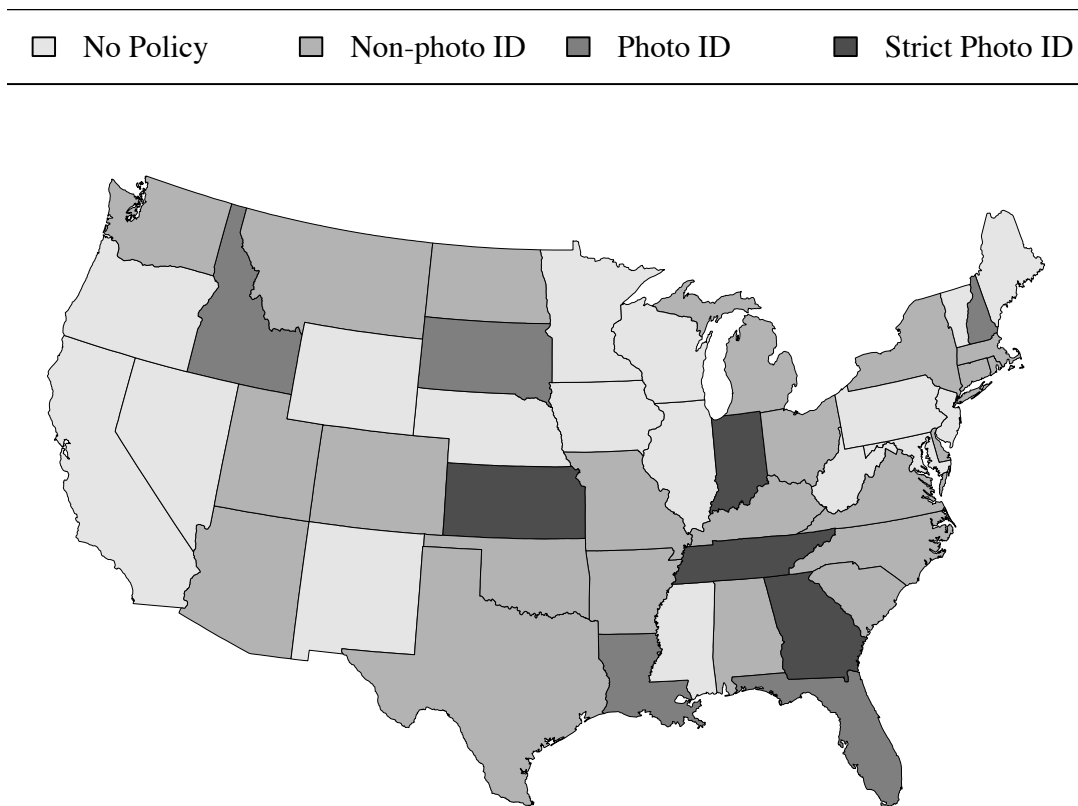
Following the Supreme Court's validation of the Indiana law, dozens of states introduced legislation on voter ID laws. As of the 2012 election, seventeen states had passed some version of a voter ID law. Alabama, Kansas, Mississippi, New Hampshire, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and Wisconsin all passed laws requiring voters to present a photo ID to vote.<sup>23</sup> Several other states passed laws requiring photo IDs, but allow voters without an ID to cast a regular ballot if they sign an affidavit affirming their identity or if a poll worker can confirm their identification. An additional eighteen states require a non-photo ID to be presented by voters. Figure 1 shows a graphical representation of voter ID laws implemented prior to the 2012 election.

Due to legal challenges, only four of the eleven states that passed strict voter ID laws – Georgia, Indiana, Kansas, and Tennessee – had these laws in effect during the 2012 election (National Conference of State Legislatures 2014). The Department of Justice (DOJ) used its authority under the Section 5 of the 1965 Voting Rights Act to challenge voter ID laws in the courts. DOJ officials cited data that shows Hispanics “disproportionately lack either a driver’s license or a personal identification card” as justification for not approving the Texas law (Horwitz 2012). In South Carolina, DOJ officials blocked a new voter ID law because it would

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<sup>23</sup> The National Conference of State Legislatures maintains a complete list of state voter ID laws (<http://www.ncsl.org/legislatures-elections/elections/voter-id.aspx>).

### Figure 1: 2012 Voter ID Policies by State



negatively affect black voters. Federal officials estimated that minority voters were 20% more likely than whites to not possess valid, government-issued photo-identifications. The DOJ's ability to block voter ID laws has been severely hampered by the 2014 Supreme Court ruling to overturn a key provision of the Voting Rights Act (VRA). Section 4(b) within the Voting Rights Act (VRA) had required new election laws, in states with a history of discriminatory election practices, to be either pre-approved by the DOJ or approved by a federal court. As a result of this ruling, the 16 states outlined in the Act with a history of exclusion can now pass new voting legislation without approval by the DOJ or the federal courts.

Despite the numerous legislative and legal battles over voter ID laws, the research examining the impact of voter ID laws on voter turnout is fairly limited. Studies examining

turnout in states using photo-ID laws report little to no aggregate reduction in turnout after states adopt photo-ID laws (Alvarez, Bailey, and Katz 2007; Mycoff, Wagner, and Wilson 2009; and Milyo 2007). Vercellotti and Anderson (2006) find that increasingly strict voter ID requirements are correlated with reduced turnout in aggregate data, but that the overall effect was “fairly small” (2006, 13). Political scientists find mixed evidence that this reduced likelihood of possessing an ID leads to a reduction in turnout for various subgroups of the electorate. Alvarez, Bailey, and Katz (2007) find no statistical significant difference in turnout between white and nonwhite voters. Vercellotti and Anderson (2006) report that Hispanic voters in voter-ID states are 10% less likely to vote and African-American are 6% less likely to vote than Hispanics and African-Americans in states without ID requirements. Both studies report reduced turnout among low-education and low-income voters. Erikson and Minnite’s (2009) study is indicative of the current state of the empirical literature on voter ID laws. They report that while changes from lax to severe voter ID requirements are associated with a few percentage points reduction in turnout, on average, and that this reduction is the strongest among the least educated, nothing reaches a level of statistical significance. They argue that at present, “the data is not up to the task of making a compelling statistical argument” and that, “we should be wary of claims--from all sides of the controversy--regarding turnout effects from voter ID laws” (Erikson and Minnite’s 2009, 85 & 98).

Not only is the current research inconclusive, but it also suffers from serious data limitations. The studies mentioned above arrive at their conclusions by either comparing election outcomes in one state to election results in another state, or by comparing election results across time. The obvious problem with this approach is that the units of analysis are not comparable. Indiana is not the same as Illinois, neither is 2002 the same as 2006. The implementation of a

new policy is only one of many external factors that can drive change in turnout from one year to the next. In the absence of experimental research, which is logistically and legally impossible for US elections, it is unlikely that the data will ever be able to conclusively measure the effects that voter ID laws have on election results. Previous research at the aggregate level has been inconclusive. An analysis at the individual level allows for further exploration into the costs incurred by these new policies without the limitations of aggregate data. My project departs from the previous literature and looks at the effect of voter ID laws at the individual level.

### **Theoretical Overview**

Political scientists have been studying political and electoral participation for decades. Some scholars have lamented the low levels of participation in American politics, others have argued that given the high costs and low expected utility in voting, the phenomenon of interest is not why so few participate, but why anyone does (Downs 1957; Aldrich 1993). Downs (1957), the first to explore this paradox, reasoned that for a rational, self-interested voter, the costs of voting would normally exceed any expected benefits. Observing the large number of individuals voting in any given election, an individual should realize that the chance of being the pivotal voter (i.e. casting the deciding ballot in a close election) is minuscule, and conclude that the expected benefits of voting are less than the costs. Despite the high costs of voting, roughly fifty percent of the electorate continues to turn out to vote in presidential elections. Scholars have argued that this paradox can be explained by Downs's failure to account for the social and personal benefits that voters can receive from voting and the effect of political parties and campaigns in mobilizing voters.

Political parties, interests groups, and social movements play a very important role in mobilizing voters and help to offset the relatively high costs of voting (Rosenstone and Hansen

1993). These political mobilizers offset costs to voters by providing candidate information, transportation to polling places, encouraging citizens to participate and reminding them to vote on Election Day. Just as political actors can decrease the cost of voting, they can also increase the cost of voting through local, state, and federal voting laws. These laws impose additional costs on voting, particularly for those individuals, such as minorities, who lack resources. Perhaps more concerning, voting laws can strain the efforts of campaigns and political parties to mobilize citizens. Thus, stringent voting laws not only disproportionately increase the cost of voting, they further tip the scales by decreasing the incentives for political groups to mobilize these already marginalized groups.

Scholars of election law are not the only ones to observe the direct impact legislation can have on behavior. The literature on policy feedback effects recognizes that policies have the ability, in their design, resources, and implementation “to shape the attitudes and behaviors of political elites and mass publics, as well as to affect the evolution of policymaking institutions and interest groups” (Mettler and Sorelle 2014). Policy feedback theory, thus provides a framework to distinguish how specific components of policies can influence the political behavior of ordinary citizens. Theda Skocpol (1992) was the first to dub this phenomena a “feedback effect”. Her influential work on the origins of social issues demonstrated that policies have the potential to reformat state infrastructure and social groups, which then impact future policies. Building off Skocpol’s work, Paul Pierson (1993) determined there were two primary means by which policy impacted institutions and behavior: resource and interpretive effects. Resource effects refer to the tangible ways in which policies impact citizens, such as services, goods, and taxation. These resource effects can provide direct benefits to citizens, allowing for more opportunities and increased ability to participate in the political process. On the other hand,

policies also provide information, meaning, and context to citizens through rules and procedures. These rules and procedures have the ability to shape norms, values, and attitudes, thus creating an interpretive effect.

Anne Schneider and Helen Ingram's theory of social construction and policy design was influential in developing the theoretical underpinnings around interpretive effects. Schneider and Ingram (1993) argued that the design and implementation of public policies generate the "social construction of target populations" (p. 334). They defined social construction as "the cultural characterizations or popular images of the persons or groups whose behavior and well-being are affected by public policy" (p. 334). Subsequent research on interpretive effects has demonstrated that the way people view their identities as citizens is influenced by the policies they come into contact with (Mettler and Soss 2004; Patashnik 2008). By organizing individuals into classifiable groups based on perceived characteristics, policymakers effectively offer a government validation of those who are deserving of benefits, those who should be punished, and those whose behavior should be corrected (Schneider and Ingram 1993). The creation of these target populations can influence how members view themselves and the value of their participation within society and the political process.

In the US, there is a long history of marginalizing certain groups through election laws. The exclusion of woman and blacks from the election process for most of US history is a case in point. Even after woman and blacks were legally eligible to vote, political elites were successfully able to prevent many of them from participating by passing election laws that made it difficult, if not impossible, for these groups to vote. Although many of these laws have been amended and reformed, legislative bodies continue to use their power to shape electoral institutions. Since the controversy surrounding the 2000 presidential election, government

officials and legislatures have once again turned their attention to voting laws and regulations. Voter ID laws are one of these new laws that is quickly spreading across the country.

The literature suggests that critics of voter ID could be correct and that turnout effects should be felt the strongest among minorities, the elderly, and the poor. For one thing, studies have found that members of these groups are less likely to have valid photo identification. Hood and Bullock (2008) found that African-American, Hispanics and the elderly in Georgia are less likely to possess a photo ID than other voters. Similarly, Barreto, Nuno, and Sanchez (2009) find that in Indiana minority, low-income, and less educated residents are less likely to possess a valid photo ID. In a large-scale survey of the American states, Charles Stewart (2013) found that while possession of some form of government identification is nearly universal among American voters, there are significant disparities in ID possession by race. Beyond lacking the appropriate forms of ID, minorities, the elderly, and the poor may also be less likely to be targeted by campaigns and political activists. Political mobilizers concentrate their efforts on those individuals who are already likely to participate (Rosenstone and Hansen 1993). Because minorities are less likely to have photo IDs (Hood and Bullock 2008; Barreto, Nuno, and Sanchez 2009; Stewart 2013), voter ID laws could disproportionately impact minority voters by reducing the incentive for political mobilizers to target these groups.

Finally, the policy feedback literature indicates that policies categorize individuals into target groups (Schneider and Ingram 1997). In the case of voter ID laws, there is a clear distinction in the policy between those who possess the appropriate forms of identification and those who do not. Policymakers validate those individuals who possess the proper identification by allowing them to vote, yet individuals without the required identification are punished and prohibited from voting. Supporters of voter ID laws argue that they are necessary to prevent

fraud and protect the integrity of elections, sending the message that legitimate voters should have “sufficient” ID. As a result of these messages, voter ID laws may reduce voter participation among minorities and the elderly (who are significantly more likely to be in the target population without proper ID) by implying that those who attempt to vote without an ID may have fraudulent motives or endanger the integrity of elections. In other words, these laws may have “unseen” feedback effects that further reduce the likelihood of minorities voting. In this paper I hypothesize that minorities and the elderly, living in states with stricter voter ID laws will be less likely to turnout to vote than whites.

### **Data and Methodology**

For the purpose of this analysis I use the 2012 Survey on the Performance of American Elections (SPAEE). The SPAEE is sponsored by The Pew Charitable Trusts and was conducted by Professor Charles Stewart.<sup>24</sup> The first SPAEE was conducted in 2008 in an effort “to gauge the quality of the election experience from the perspective of voters” (Stewart 2013b, 6). The 2012 survey asks about topics such as whether the respondent encountered problems with their voter registration, experienced long lines to vote, and how they were treated by poll workers. The survey was administered over the Internet by *YouGov* and used state-level matched random samples in each of the states. A total of 200 registered voters in each of the 50 states and the District of Columbia were surveyed, for a total 10,200 respondents. Respondents were recruited through a variety of techniques; however, the final sample matches national averages on key demographic characteristics, such as education, income, race, and partisanship.

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<sup>24</sup> The Massachusetts Institute of Technology



## **Dependent Variable**

The dependent variable is voter turnout. Although the SPAE asked respondents who did not vote their reasons for not doing so, for the purpose of this analysis responses were coded as 0 (did not vote) and 1 (definitely voted). Using a dichotomous DV allows for the use of logistic regression. Figure 2 displays the breakdown of the responses. Because this is a sample of registered voters, the turnout rate (91.5%) is significantly higher than other election surveys such as the ANES, which survey the population as a whole. According to the US Census Voting and Registration statistics for the 2012 election, 87% of registered voters turned out to vote.

## **State Level Independent Variables**

**State Voter ID Policy.** States were coded using the Voter Identification Policy rubric from the National Conference of State Legislatures (hereafter NCSL). The NCSL categorizes states by those that require a photo ID to be presented before casting a ballot and those that only require a non-photo ID. I focus this analysis on the difference between states with a photo ID policy and those without a photo ID policy<sup>25</sup>. The policy variable is thus a dichotomous variable where states without a photo ID law are coded as 0 while those with the law are coded as 1.

**Presidential Campaign Spending.** Campaign spending varies vastly from state to state, with campaigns spending billions of dollars in states such as Ohio and Florida and nothing in states such as Kansas and Nebraska. To account for the potential increase in mobilization in states with

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<sup>25</sup> The NCSL also distinguishes between strict and non-strict laws. With strict laws, a voter cannot vote without presenting an ID. Non-strict laws ask for an ID, but allow voters to vote using other means if they do not have the required ID. To control for any effect that strict verses non-strict laws may have, I ran the analysis with all four categories. The results were not substantially different.

high campaign spending, I include a measure of the advertising spending per capita for each state.<sup>26</sup> This measure was logged in the analysis.

**Electoral Closeness.** The closeness of state elections could potentially increase the likelihood of voting by respondents in these states. Because not all states held gubernatorial or Senate elections in 2012, I used data from state House races. This index was calculated by taking the absolute value of the total Democrat House votes minus the total Republican House votes.<sup>27</sup>

### **Individual Level Independent Variables**

**Race.** Race is coded as a categorical variable and is broken down by white, black, Hispanic, and other. Approximately 82% of respondents in the survey are white, with blacks and Hispanics accounting for 8% and 4% respectively.

**Education.** Education is a numeric variable and ranges from 1 to 6. Respondents coded as 1 did not have a high school degree and respondents coded as a 6 possess a graduate degree.

**Income.** Income is numeric variable ranging from 1 to 14 representing annual household income, with 1 being less than \$10,000 and 14 being greater than \$150,000. Thus, a one unit increase in income equates to a \$10,000 increase in household income. The mean household income for the sample was \$75,000.

**Age.** Age is a numeric variable of the respondents given age. The mean age in the sample was 49 with a standard deviation of 16. The youngest age represented is 18 and the oldest is 92.

**Photo ID.** This dichotomous variable indicates whether the respondent possesses a valid government issued photo ID. Respondents were asked about whether they had a valid driver's

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<sup>26</sup> Data were taken from the Federal Elections Commission.

<sup>27</sup> Data were taken from the Federal Election Commission's Public Disclosure Division in the Office of Communications.

license or passport. Additionally, respondents were asked to report whether they had any of the following forms of identification and if so, if it was a photo ID:

- A public assistance ID card issued by [your state]
- A military ID card
- An ID card issued by a state or local government outside of [your state]
- An ID card from a Native American tribe
- An ID card from a private college or university within [your state]
- An ID card from a private college or university outside of [your state]
- An ID card from a state college or university within [your state]
- An ID card from a state college or university outside of [your state]
- A license to carry a firearm issued by [your state]
- A voter registration card issued by [your state]
- An ID card issued by an agency or department of the federal government that you have not already indicated
- An ID card issued by an agency or department of the state of [your state] that you have not already indicated
- An ID card issued by an agency of a local government in [your state] that you have not already indicated

Individuals without the appropriate ID would obviously be unable to vote, thus making this an important control. I expect there to be a positive relationship between having a valid photo ID and the likelihood of voting.

## **Analysis**

A logistic hierarchical linear model (HLM) approach was used to analyze voter ID policy and voting data for three reasons: (1) to accurately account for the within-state clustering effects, (2) to allow a valid multilevel analysis where individual-level variables and relevant state-level variables could be included in the same model, and (3) to be able to test an interaction hypothesis that minorities respond to voter ID laws differently than whites. Because there are 200 survey

respondents from each state, failure to cluster these observations would violate the critical statistical assumption of independence of observations.<sup>28</sup>

### Findings

Table 1 displays the results for the multilevel logistic regression analysis for the predicted likelihood of voting and focuses on the interaction between Hispanics and state photo ID laws. As the literature suggests, higher income and education are positively associated with the likelihood of voting. Also consistent with the literature, older individuals are more likely to vote than younger individuals. Unlike previous studies, however, being a minority does not appear to have a significant negative impact on voting. This is likely due to the fact that the sample only includes registered voters; indicating that the minorities in this sample have already overcome (by registering to vote) many of the hurdles that typically prevent minorities from voting. Additionally, the presence of minority presidential candidate on the ballot could have further mobilized minority voters to vote in the 2012 election.<sup>29</sup> Possession of valid photo ID is not statistically significant, but the coefficient is in the correct direction. The state level variables, which measure the closeness of state elections and presidential campaign spending, are both statistically significant. As anticipated, there is a positive increase in the likelihood of voting in

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<sup>28</sup> One of the assumptions of logistic regression is that there is no autocorrelation of error terms. When observations are combined across multiple states this assumption is violated; we cannot assume that respondents in the same state are unaffected by the state environment. As a result, the observations are not independent draws; they are related and thus, logistic regression is not the best estimator. Indeed when I run the model as a logistic regression with fixed state effects; there was significant variation in the likelihood of voting depending on which state a respondent is from. That indicates that voters from one state, such as Kansas, may have similar state-level influences impacting their decision to vote that they would not share with a voter from Massachusetts, for example. Unlike traditional logistic regression, HLM accounts for clustered data by building a multilevel model. Thus a logistic multilevel model was used for the analysis. All estimation and figures were produced using R.

<sup>29</sup> A higher proportion of minority voters turned out in both the 2008 and 2012 General Election than in previous presidential elections (File 2013).

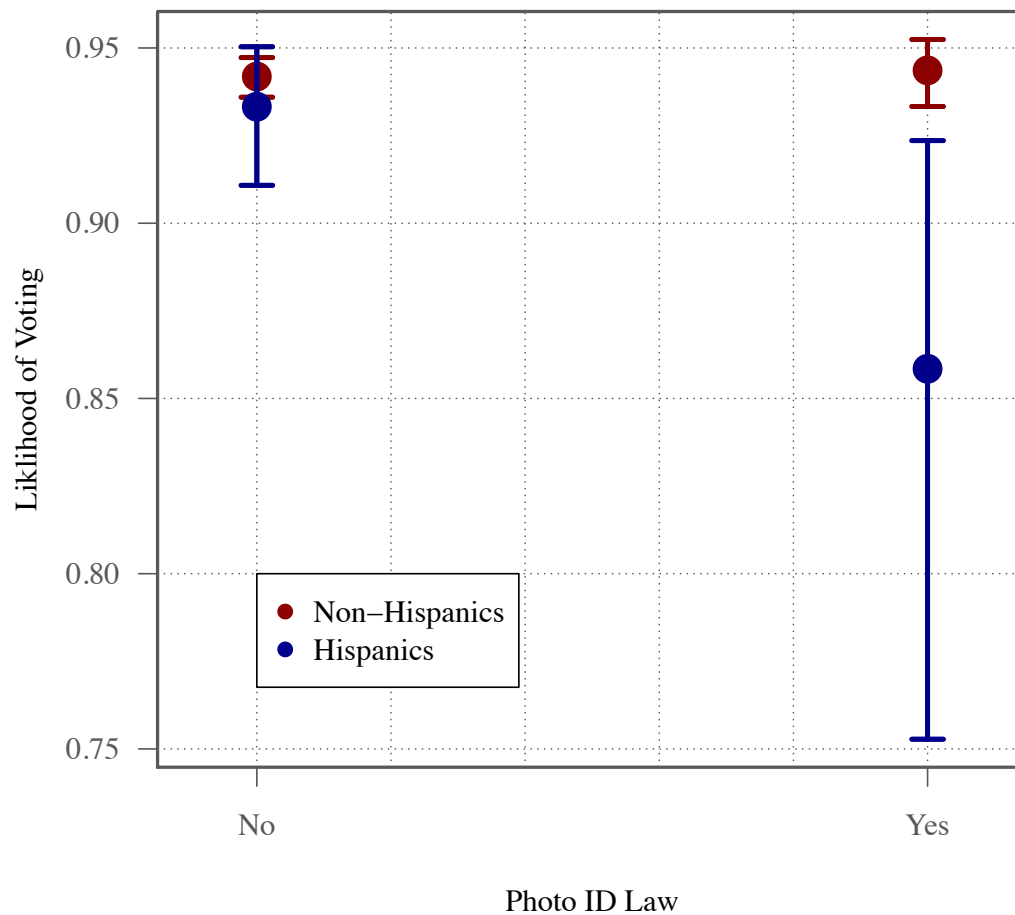
states with competitive elections. Increased campaign spending per capita also has a positive impact on the likelihood of voting.

**Table 1: Predicted Likelihood of Voting by Hispanic and Photo ID Law**

	Model 1	Model 2
(Intercept)	-1.827*	-1.837*
	(0.294)	(0.294)
Education	0.314*	0.314*
	(0.035)	(0.035)
Photo ID	0.360	0.361
	(0.266)	(0.266)
Income	0.129*	0.130*
	(0.013)	(0.013)
Age	0.041*	0.041*
	(0.003)	(0.003)
Hispanic	-0.271	-0.147
	(0.175)	(0.192)
Electoral Closeness	0.027*	0.027*
	(0.010)	(0.010)
Policy	-0.009	0.033
	(0.113)	(0.116)
Campaign Spending	0.184*	0.188*
	(0.047)	(0.047)
Var((Intercept)—state)	0.054	0.053
Var(Campaign Spending—state)	0.008	0.007
Var(Electoral Closeness—state)	0.000	0.000
Hispanic $\times$ Policy		-0.868*
		(0.465)
Log-likelihood	-2235.794	-2234.186
Deviance	4471.588	4468.372
AIC	4501.588	4500.372
BIC	4607.547	4613.394
N	8638	8638

In the first model of table 1 there is no significant impact of state photo ID laws on the likelihood of voting. From these results it initially appears that photo ID laws do not have a negative impact on voter turnout. This model is not particularly meaningful, however, given that I am predominately interested in the impact of photo ID laws on minorities and the elderly. To account for this, I include an interaction term in the second model to evaluate the impact of these laws on Hispanics who live in states that had a photo ID requirement in effect for the 2012 election. The results remain consistent across both models with the exception of the interaction term. The parameter estimate for the interaction indicates that Hispanics are significantly less

**Figure 2: Interaction of Hispanic and Photo ID Law on Likelihood of Voting**



likely than non-Hispanics to vote in states with photo ID laws. To more clearly display this, I graph the interaction terms and display them in figure 2. The graph displays the estimate with a 95% confidence interval. From the graph it is clear that there is no significant difference in turnout between Hispanic and non-Hispanic voters in states without photo ID laws. In states that have photo ID laws, however, the likelihood of Hispanics voting decreases by 8.5%. It is worth noting that this result is significant even after controlling for the possession of a valid photo ID. As the theory of policy feedback and interpretive effects suggests, voter ID laws clearly influenced the participation of Hispanics in the 2012 presidential election.

Table 2 displays the results for the predicted likelihood of voting and the interaction between blacks and state photo ID laws. The results for the first model in the table are almost identical to the first model in table 1. Here again, higher income and education are positively associated with the likelihood of voting and as is age. The same state level variables are also both statistically significant again. There is no significant impact of state photo ID policies on the likelihood of voting. In the interactive model evaluating the impact of photo ID laws and black voters there is no significant relationship. Unlike the previous model, blacks in states with a photo ID law during the 2012 election were not less likely to turnout than non-blacks. In fact, although the relationship is not significant at the 0.05 level, there is a positive coefficient. The graph in figure 3 displays the estimates with a 95% confidence interval and illustrates that the predicted likelihood of voting for blacks in states with photo ID policies is actually higher than that of non-blacks<sup>30</sup>. This finding was unexpected and indicates that there may be some pushback effect happening among blacks in states with photo ID laws. Observational evidence from the 2012 election documents this backlash against voter ID laws among minority organizations and

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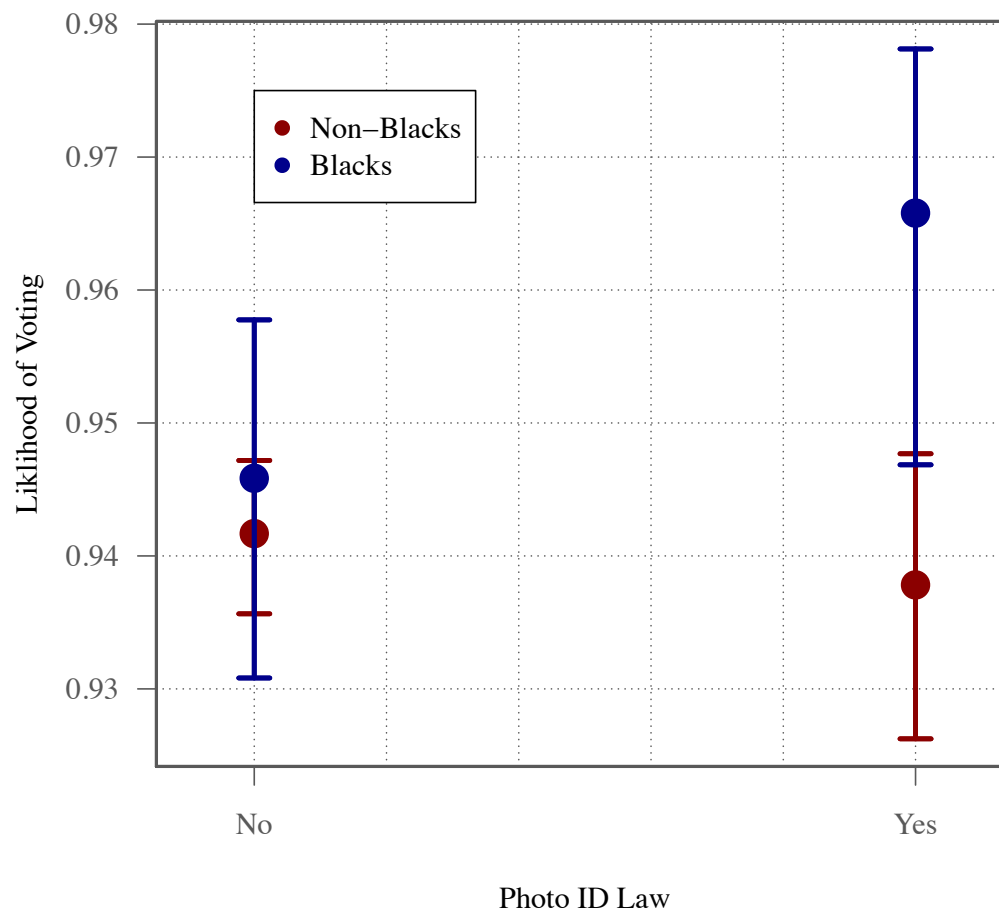
<sup>30</sup> This relationship becomes significant at the 0.1 level of significance.

interest groups. Some black voters reportedly decided to vote when they usually would not have, as a way of protesting new state voter ID laws (Berman 2012; Tinberg and O’Neal Parker 2012).

**Table 2: Predicted Likelihood of Voting by Black and Photo ID Law Education**

	Model 1	Model 2
(Intercept)	-1.876*	-1.882*
	(0.295)	(0.296)
College	0.312*	0.313*
	(0.035)	(0.035)
Education	0.346	0.361
	(0.266)	(0.266)
Income	0.132*	0.132*
	(0.013)	(0.013)
Age	0.041*	0.042*
	(0.003)	(0.003)
Black	0.216	0.078
	(0.139)	(0.158)
Electoral Closeness	0.024*	0.023*
	(0.010)	(0.010)
Policy	-0.006	-0.068
	(0.113)	(0.119)
Campaign Spending	0.183*	0.186*
	(0.051)	(0.052)
Var((Intercept)—state)	0.038	0.040
Var(Electoral Closeness—state)	0.000	0.000
Black × Policy		0.548*
		(0.325)
Log-likelihood	-2236.097	-2234.611
Deviance	4472.194	4469.222
AIC	4496.194	4495.222
BIC	4580.961	4587.053
N	8638	8638



**Figure 3: Interaction effect between blacks and voter ID policy**

Finally, Table 3 displays the interaction between the elderly and state photo ID laws on the predicted likelihood of voting in the 2012 election. The results for the first model without the interaction term show the same significant relationships as both the previous models for blacks and Hispanic voters. The same three individual-level predictors (income, education, and age) are all positively associated with the likelihood of voting. At the state-level, electoral competitiveness and campaign spending are also positively related to increased likelihood of voting; state photo ID policies do not have a significant impact. The interactive model evaluating the impact of photo ID laws and elderly voters is the least interesting of all the interactive

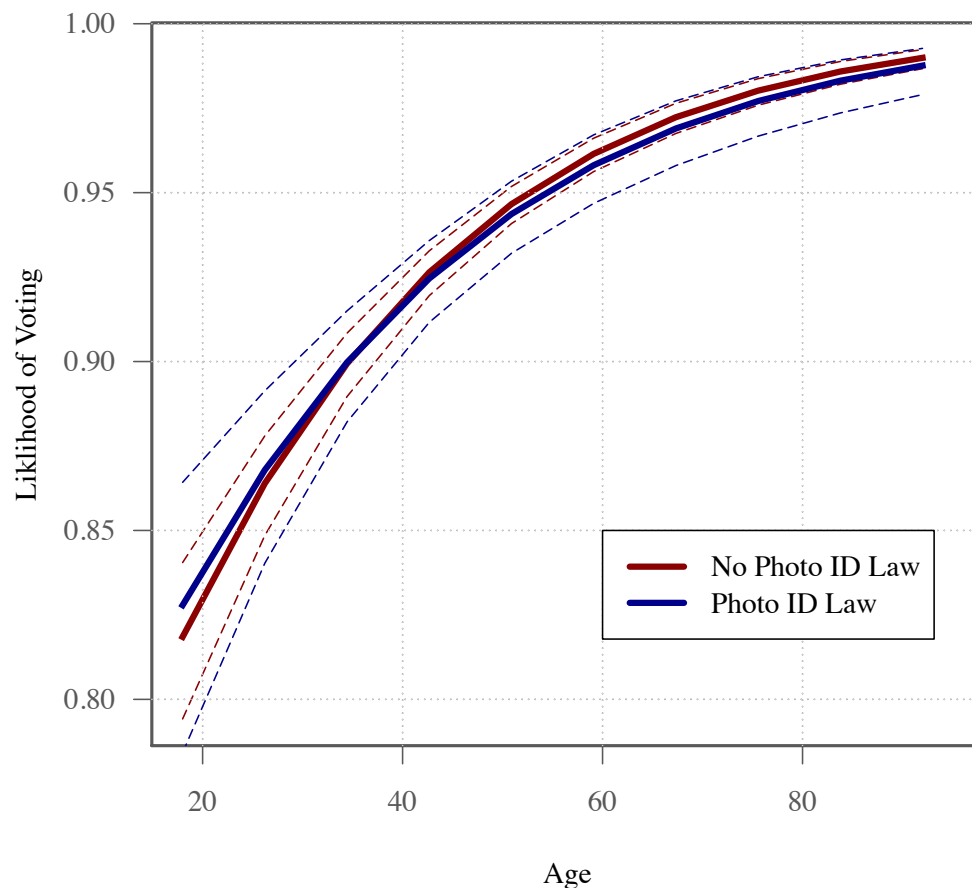
**Table 3: Predicted Likelihood of Voting by Age and Photo ID Law**

	Model 1	Model 2
(Intercept)	-1.839*	-1.870*
	(0.297)	(0.303)
Education	0.313*	0.312*
	(0.035)	(0.035)
Photo ID	0.353	0.354
	(0.266)	(0.266)
Income	0.131*	0.131*
	(0.013)	(0.013)
Age	0.041*	0.042*
	(0.003)	(0.003)
Race-Black	0.188	0.186
	(0.140)	(0.141)
Race-Hispanic	-0.247	-0.246
	(0.177)	(0.177)
Race-Other	-0.127	-0.126
	(0.160)	(0.160)
Electoral Closeness	0.026*	0.026*
	(0.010)	(0.010)
Policy	-0.017	0.131
	(0.113)	(0.293)
Campaign Spending	0.187*	0.188*
	(0.051)	(0.051)
Var((Intercept)—state)	0.037	0.038
Var(Electoral Closeness—state)	0.000	0.000
Age $\times$ Policy		-0.004
		(0.007)
Log-likelihood	-2234.156	-2234.006
Deviance	4468.312	4468.011
AIC	4496.312	4498.011
BIC	4595.187	4603.949
N	8626	8626

models. Unlike the previous models, with an interaction term between two dichotomous variables, this model interacts a numeric predictor (age) with a dichotomous variable (state

policy). As a result, the estimate in the table is not sufficient for evaluating the significance of the interaction term. Figure 4 graphs the predicted likelihood of voting based on age and state photo ID laws. As the graph illustrates, the likelihood of voting for the elderly in a state with a photo ID law and a state without one is indistinguishable. The elderly are more likely to turnout to vote than younger voters regardless of photo ID laws, suggesting that photo ID laws do not have negative impact on turnout among the elderly as theorized.<sup>31</sup>

**Figure 4: Interaction effect between age and voter ID policy**



<sup>31</sup> I also ran models to check for the effect of voter ID laws on the poor. These findings mirrored the findings in the models evaluating age and photo ID laws. There was no significant difference in the likelihood of voting between the poor in states with photo ID laws and those in states without photo ID laws.

In sum, this analysis indicates that voter ID laws impact minorities differently. Photo ID laws are found to reduce turnout in Hispanic voters, even when controlling for the possession of a valid photo ID. This finding suggests that beyond preventing those individuals without the proper ID from voting, photo ID laws exhibit feedback effects; where Hispanics are demobilized from voting even though they possess the necessary ID. Alternatively, photo ID laws did not discourage blacks from participating in the 2012 election and may even have increased the likelihood of blacks voting. This finding hints at a possible backlash against photo ID laws. There has been considerable criticism, particularly on the left, that voter ID laws discriminate against minority voters. Black voters in particular, are much more organized politically than are Hispanic voters. In Ohio, for example, interest groups and blacks organized to fight billboards, placed in predominantly black communities, with the message “Voter Fraud is a Felony!” and threats of over three years of jail time for violators (Tinberg, Craig, and Parker 2012). Thus, black voters may have reacted to these laws by turning out in larger numbers to vote. Finally, photo ID laws do not appear to have any impact on elderly voters. Evaluating exactly why Hispanics were discouraged from voting by photo ID laws, yet blacks and the elderly are not is beyond the scope of this paper. These findings call for further research on between group effects of photo ID laws.

### **Conclusion**

Although many voting laws are neutral on their face, a deeper investigation of the costs of voting demonstrates that laws such as voter registration and voter ID requirements burden the least advantaged more than the most advantaged. These effects can be both tangible and intangible. Voter ID laws undoubtedly produce resource effects by directly preventing voters without the proper ID from voting. These resource effects can directly limit a citizen’s ability to

participate in the political process if they do not have the required ID. Although seldom discussed, voter ID laws also produce interpretive effects by the context and information they provide to citizens. Policy feedback theory attests that these rules and procedures have the ability to shape norms, values, and attitudes, thus creating an interpretive effect. In other words, policies send messages to citizens. My analysis of the 2012 election provides support to this theory. The finding that even after controlling for the possession of a valid photo ID, Hispanic voters in states with photo ID laws are significantly less likely to vote, indicates an interpretive effect. If this effect can be observed in Hispanics who are registered voters with required government issued photo ID, one wonders what the implications are for Hispanic voters who are not registered. What message might photo ID laws be sending to minorities who are not registered to vote?

State legislatures are bodies of government composed of strategic, rational actors, each of whom has an incentive to be reelected. Passing legislation that places institutional barriers to political participation and thereby increases the cost of voting for certain groups of the electorate, specifically those who are predisposed to support your opponent, can potentially increase reelection prospects. Perhaps more importantly, voting laws and regulations can reduce the incentives of opponents to mobilize these groups of individuals. Political parties are strategic actors with a finite number of resources (i.e. time, money, etc.) at their disposal. Campaigns and parties practice selective mobilization in order to receive the highest utility for their efforts. Onerous voting laws increase the cost and reduce the incentive for political parties and interests groups to mobilize minority groups (Rosenstone and Hansen 1993). Excluded groups of the electorate are thus further marginalized. If these individuals cannot participate, or if the cost of participation is sufficiently high, they are unlikely to be mobilized and significantly less likely to

participate as a result. Indeed, the ability of legislatures to strategically increase the costs of voting through restrictive voting laws may have serious implications for the state of representative democracy in the US.

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## **Chapter 4**

### **Voter ID Laws: Do They Mobilize or Demobilize Minorities?**

#### **Introduction**

This year marks the 50<sup>th</sup> anniversary of the Selma marches where Dr. Martin Luther King Jr. delivered an appeal to end segregation and voting discrimination to a crowd of 25,000 gathered at the Alabama state capitol (Reed 1965). In response to these protests, Congress would pass the Voting Rights Act (hereafter VRA) to help ensure that states could not discriminate against voters based on the color of their skin. Today, it is far easier for minorities to register to vote and cast a ballot than it was 50 years ago. That is not to say, however, that the VRA ended discriminatory voting laws. In the past 15 years, voter ID laws have been sweeping across the country and threaten to undermine the principles of the VRA and Civil Rights Movement.

Out of the thirty-four states that have passed legislation requiring IDs to be presented at the polling place, eleven have strict stipulations that require voters to present a valid photo ID prior to being allowed to vote. These laws are very controversial. Despite the lack of evidence that fraud is common, supporters of voter ID laws claim that ID requirements are necessary to protect elections from voter fraud (Lipton and Urbina 2007; Khan and Carson 2012). Opponents point out that minorities are significantly less likely to possess the required ID and thus risk being disenfranchised. The debate over the constitutionality of voter ID laws has yet to be determined. Texas and Wisconsin are currently in the process of defending their state voter ID laws in federal courts.

There is a sizable amount of evidence to suggest that minorities are significantly less likely to have photo ID's than non-minorities (Barreto, Nuno, and Sanchez 2009; Hood and

Bullock 2008; Stewart 2013). There is no scholarly agreement, however, on whether photo ID laws have had a negative impact on minority turnout (Alvarez, Bailey, and Katz 2007; Mycoff, Wagner, and Wilson 2009; Rocha and Matsubayashi 2014; Vercellotti and Anderson 2006). My findings in chapter 3 suggest that at the individual level, voter ID laws reduce turnout among Hispanics. Beyond this, the current research cannot say anything about the impact of voter ID laws on minorities' political efficacy or other forms of political behavior. This lack of research is especially troubling given that if voter ID laws negatively impact the propensity for minorities to participate in the political process, they could negatively impact democracy. A democracy is only representative if all groups are able to participate equally. While voter ID laws explicitly prevent minorities without the appropriate ID from voting, it is currently unclear what, if any effect these laws have on political efficacy and other forms of political behavior.

In particular, scholars disagree on the potential mobilizing impact of voter ID laws. Two competing theories of mobilization, from political science and psychology, present two very different expectations of the impact ID laws can have on minorities. I propose both theories can be correct and the mobilizing effect of ID laws depends on how information is framed.<sup>32</sup> This project weighs in on an important debate between two opposing theories of mobilization, policy feedback and psychological reactance theory, which has been lingering for decades. Not only does this project generate new and broadly applicable knowledge, it has serious implications for society and public policy. If the way information on voter identification laws is framed impacts mobilization, it could directly impact electoral outcomes and the representativeness of democracy in the US.

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<sup>32</sup> Political scientists have found substantial evidence that elite frames can influence citizens' attitudes (Chong and Druckman 2007). Essentially, the way information is framed "changes attitudes by ostensibly altering the underlying considerations used in one's evaluation" (110).

### **Voter ID Laws**

After the controversy surrounding the 2000 election, Congress passed the Help America Vote Act (hereafter HAVA) to replace punch card voting systems and to establish minimum election administration standards for states (Federal Election Commission 2002). To insure the accuracy of voter registration rolls, HAVA stipulated minimum requirements for authenticating the identification of voters when they register to vote. A number of states pushed to extend these standards and began requiring all voters to show government-issued photo identification not only when they register but also when they vote. Proponents of these new requirements, chiefly Republicans, argue that requiring voters to present a photo identification reduces the risk of fraudulent voting, ensuring fair elections.<sup>33</sup> Other states have maintained the minimum HAVA standards that require voters to show proof of identification when registering to vote, but do not require identification for voting.<sup>34</sup>

The opponents of strict voter identification laws insist that restrictive identification requirements prevent many citizens, who would otherwise be qualified, from voting. These opponents point to an increasing number of studies that find many otherwise eligible voters, especially minorities, do not possess the appropriate IDs. For example, Hood and Bullock (2008) found that black voters are twice as likely as white voters to not have a driver's license. A study conducted in Indiana found that minority, low-income, and less educated residents were less likely have photo IDs (Barreto, Nuno, and Sanchez 2009). In a survey of over 10,000 registered voters from all 50 states and the District of Columbia, Charles Stewart (2013) found that despite

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<sup>33</sup> Despite these claims, there is little evidence that voter fraud or impersonation are common. In a comprehensive study between years of 2001 and 2012, *News21* found that out of the 633 reported cases of voter fraud, only 10 cases were from voter impersonation (Khan and Carson 2012).

<sup>34</sup> Voters are only required to state or sign their name.

possession of some form of government identification being nearly universal among American voters, there are significant racial discrepancies.

While it's clear from the literature that minorities, the elderly, and low-income individuals are less likely to possess ID, there is far less agreement in the scholarly community about the impacts of voter ID laws on voting and political behavior. In general, studies examining turnout in states using photo-ID laws report little to no aggregate reduction in turnout after states adopt photo-ID laws (Alvarez, Bailey, and Katz 2007; Mycoff, Wagner, and Wilson 2009; and Milyo 2007). There is mixed evidence within the literature on the relationship between reduced likelihood of possessing an ID and voter turnout among vulnerable populations. One study found that Hispanics were 10% and blacks 6% less likely to vote in states with ID requirements than those same minority groups in states without ID requirements (Vercellotti and Anderson 2006). Another study found no statistically significant difference in turnout between white and nonwhite voters (Alvarez, Bailey, and Katz 2007). Both of these studies did find evidence of reduced turnout among low-education and low-income voters.

Outside the studies focusing explicitly on voting, there is very little empirical research on the impact of voter ID laws on other forms of political behavior and participation. While the current literature cannot shed light on the effect of voter ID laws on political efficacy or participation (other than voting), two competing theories of mobilization provide a framework for evaluating these impacts. These two theories, from political science and psychology, present two very different expectations about the mobilizing impact of voter ID laws.

### **Mobilization and Voter ID Laws**

Political scientists have long argued that policies themselves can shape political activity (Schattschneider 1935; Lowi 1964). The term “feedback effect” was first coined by Theda

Skocpol (1992) in her influential work on the origins of social policy in the US. She theorized that policies have the potential to shape state infrastructure and social groups and, as a result, impact future policies. Paul Pierson (1993) expanded on Skocpol's theory and concluded that policies shaped government and citizens through both resource and interpretive effects. While resource effects refer to the tangible ways in which policies impact citizens, such as services, goods, and taxation, interpretive effects provide information, meaning, and context to citizens through rules and procedures.

Schneider and Ingram (1993) developed the theory of interpretive effects further and argued that the design and implementation of public policies generate the "social construction of target populations" (p. 334). The authors defined social construction as "the cultural characterizations or popular images of the persons or groups whose behavior and well-being are affected by public policy" (p. 334). These characterizations in turn influence the subsequent behavior of public officials toward these target populations. As a result, cultural characterizations are not exogenous but instead shaped by public policy itself. Subsequent research has found numerous instances where government programs and policies directly affect citizens' perceptions of their own value and role in the political system (Schneider and Ingram 2005; Soss and Schram 2007). For instance, individuals are apt to view the agency with which they interact as a microcosm of government itself and from this experience generalize about their own role in the political system (Soss 1999).

Scholars studying interpretive effects have found that the policies people come into contact with shape the way they view their identities as citizens (Mettler and Soss 2004; Patashnik 2008). By organizing individuals into classifiable groups based on shared characteristics, policymakers effectively offer a government validation of those who are

deserving of benefits, those who should be punished, and those whose behavior should be corrected (Schneider and Ingram 1993). The creation of these target populations can influence how members view themselves and the value of their participation within society and the political process. While a number of social policy areas have received considerable attention by scholars of policy feedback effects, we know nothing about the interpretive effect and subsequent psychological impact of ID laws on citizens.

The scholarship on policy feedbacks finds that policies indirectly send messages to citizens about their value in the political process. In the case of voter ID laws this effect may be compounded by the fact that voters are sent direct messages about these laws in the advertising campaigns that states and counties use to inform voters about new laws. These campaigns emphasize voter ID laws as necessary to prevent electoral fraud and insure the integrity of the electoral process. For example, after Kansas passed its strict voter ID law, the Kansas Secretary of State, Chris Kobach, canvassed the state with a flurry of television and radio ads about the new law. These advertisements relied on the slogan “Got Voter ID?” and reminded voters to bring a valid state or federal photo ID with them to the polls. On Election Day, large signs stating “ID REQUIRED” were posted in front of many polling places. In an interview about Kansas’ strict photo ID law, Kris Kobach defended the law stating “[e]very time an alien votes, it cancels out the vote of a United States citizen” (Gabriel 2014). At the national level, the Republican party has been a strong supporter of voter ID laws, declaring “[v]oter fraud is political poison. It strikes at the heart of representative government” (Republican National Convention 2012).

These policy campaigns may directly and indirectly send messages to citizens about their value in the political process. By promoting the message that voting without an ID jeopardizes the integrity of elections or that those who attempt to vote without an ID must have fraudulent



motives, these laws may reduce voter efficacy among minorities and especially among Hispanics who are less likely to have the appropriate IDs (Stewart 2013). Even minorities with the required ID may be discouraged from participating as a result of internalizing the messages they receive in voter ID advertising campaigns or the media. In other words, these laws may have “unseen” feedback effects that further reduce the likelihood of minorities voting. Edelman in *The Symbolic Uses of Politics*, theorized that the mass public could not analyze detailed data regarding the facts and figures of political issues (1964). Instead, he argued that facts are generally ignored until they are made symbolic. Edelman reasoned that the public responds to cues they see or hear in speeches and venues, not to political facts. I expect there to be a significant decrease in both political participation and efficacy among minorities exposed to information framing ID laws as necessary to prevent voter fraud. Research has not found white voters to be affected by voter ID laws, thus these same messages should have no effect on white survey respondents (Barreto, Nuno, and Sanchez 2009; Hood and Bullock 2008; Stewart 2013).

Alternatively, messages exposing voter ID laws as discriminatory should have a different effect. Anecdotal evidence from the 2012 election suggests that there may have been a backlash against voter ID laws among minority voters. Reportedly, minority voters decided to vote (when they would usually have stayed home) in protest of voter ID laws, which they viewed as an attack on their right to vote (Berman 2012; Tinberg and O’Neal Parker 2012). This scenario directly contradicts the expectations of the policy feedback literature. Instead, this response reflects the predictions of psychological reactance theory, which posits that a threat (or perceived threat) to an individual’s rights or freedoms causes an increased desire to reclaim that right (Brehm 1966, Wicklund 1974). In certain circumstances, this desire may be strong enough to motivate an individual to reaffirm their ability to engage in that right, even if they rarely make

use of it. If requiring identification to vote can generate reactance, then framing voter ID laws as discriminatory should mobilize minorities, exposed to this message, to reclaim their right to vote. Although common in social psychology, reactance theory has received very little attention by political scientists. As a result, we do not know if this type of response can impact political participation or efficacy; let alone whether voter ID laws elicit reactions among minorities.

### **Data and Methods**

The current research on ID laws has been unable to adjudicate between these two conflicting theories of mobilization. An experimental survey provides the ideal platform to test these two theories. Since opinions and attitude are usually formed on the ideas most accessible to an individual when they are answering a question (Zaller and Feldman 1992), the most recent information that individuals receive about voter ID laws should have an effect on their reported political participation and efficacy. Thus, an experiment can empirically test whether information on ID laws has any significant mobilizing impact on minorities. I utilize a survey with an embedded experiment and manipulates features of the macro-level variable to demonstrate how changes in information on voter ID laws impact political participation and efficacy.

The data for this project were obtained through a web-based survey with an embedded experiment. A nonprobability sample of approximately 1,500 subjects was recruited by Amazon's Mechanical Turk (hereafter MTurk) subject recruitment tool to participate in a survey about voting laws.<sup>35</sup> Additionally, this data were supplemented with a convenience sample of 175 college students from a community college in the East Bay, California, to increase the

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<sup>35</sup> Studies analyzing the representative nature of MTurk have found that “respondents recruited in this manner are often more representative of the U.S. population than in-person convenience samples—the modal sample in published experimental political science” (Berinsky, Huber, and Lenz 2011).

number of minorities in the sample.<sup>36</sup> Both groups received the same treatments and answered the same questions. The study was fielded from November 7- December 7, 2014. Of the total sample, 16% were Republicans and 42% were Democrats with the remainder either identifying as an independent or other. As is typical of MTurk respondents, the sample has a larger proportion of Democrats than the US population as a whole (Berinsky, Huber, and Lenz 2011). Whites make up approximately 73% of the sample, Hispanics 10% and blacks 7%. The sample appears to resemble the US population in most other respects, including age, gender, income and education.

Respondents were randomly assigned to either a control group or one of three treatment groups (see the Appendix for treatment wording). The control group read a vignette on a major sporting event, while the three treatment groups read a vignette on voter ID laws. The treatments were modeled after actual news articles and constructed using a similar format. Whenever possible, the same wording was used in all treatments. Given the opposing arguments, however, the wording between the treatments is necessarily different. The first treatment group read an article that frames voter ID laws as necessary to prevent voter fraud. This frame mirrors the rhetoric used by those who support voter ID laws and implies that individuals voting without a photo ID jeopardize the legitimacy of US elections. According to the policy feedback theory, this type of message should generate an interpretive effect and impact an individual's generalizations about their role in the political system. Respondents exposed to this treatment should be more likely than respondents in the control group to be demobilized. The second treatment group read an article that frames voter ID laws as discriminating against minorities. This article echoes the

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<sup>36</sup> The college where data were collected is a particularly diverse campus with minority students making up over 80% of the student body. Additionally, approximately 50% of students are over the age of 25.

rhetoric of opponents of voter ID laws and implies that voter ID laws jeopardize the voting rights of minorities. According to reactance theory, this type of message should cause an increased desire to reclaim the right to vote. Respondents exposed to this treatment should be more likely to be mobilized than the control group.

Finally, the third treatment combines the frames from treatments one and two and presents both arguments in a single article. In the real world, people are often exposed to competing frames. The literature on framing effects has found that when citizens receive multiple perspectives on an issue, they side with the view that is most consistent with their values or principles (Sniderman and Theriault 2004). Thus, a competing frame provides increased stability among respondents' decisions taken on specific issues. This third treatment will directly test if either of the two opposing theories of mobilization stands when respondents are presented with competing arguments on voter ID laws.

To test the effectiveness of the treatments, respondents were asked about their opinions on 1) whether voter ID laws are necessary to prevent fraud and 2) whether voter ID laws discriminate against minority voters. Respondents in the disenfranchisement treatment group were less likely than the control group to agree that voter ID laws are necessary to prevent fraud and more likely to agree that ID laws discriminate against minority voters. There was no statistically significant difference between individuals in the fraud treatment group and those in the control group on whether voter ID laws are necessary to prevent fraud.<sup>37</sup> Individuals in the fraud treatment were, however, less likely to agree that ID laws discriminate against minority voters. Individuals in the mixed treatment group follow a similar pattern to those in the discrimination treatment. Respondents in this third treatment group are both less likely to agree

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<sup>37</sup> This is likely do to the overrepresentation of Democrats in the sample, who are significantly less likely than Republicans to think that voter ID laws are necessary to prevent fraud.

that voter ID laws are necessary to prevent fraud and more likely to agree that ID laws discriminate against minority voters.

Table 1: Test for Treatment Effects

	<i>Dependent variable:</i>	
	ID Laws Prevent Fraud	ID laws Discriminate
Discrimination Treatment	−0.261* (0.099)	0.394* (0.101)
Fraud Treatment	−0.025 (0.101)	−0.216* (0.103)
Mixed Treatment	−0.288* (0.099)	0.177* (0.101)
Constant	3.189* (0.071)	2.485* (0.072)
Observations	1,684	1,684
R <sup>2</sup>	0.008	0.022
Adjusted R <sup>2</sup>	0.006	0.020

*Note:*

\*p<0.05

After reading the article, respondents were asked a series of questions about their political efficacy and political participation. These questions correspond with the dependent variables in the analysis. The first two questions measure respondent's political efficacy, asking respondents about how much government cares about them and their ability to impact government. These two questions were combined to create an index for political efficacy.<sup>38</sup> I measure political participation in three separate forms; reported likelihood of voting, signing a petition, and

<sup>38</sup> Question wording for political efficacy measures was taken from questions on the 2012 American National Election Studies (ANES) survey.

writing a government official. All dependent variables were measured on a five point scale, ranging from “a great deal/definitely” to “not at all/definitely not”. In addition to the questions on political efficacy and participation, respondents were asked about basic demographic controls such as gender, race, income, education, etc. To control for the possession of required identification, respondents were asked if they have a valid government issued photo ID and are registered to vote.<sup>39</sup>

### **Findings**

The data were analyzed using both difference of means tests and OLS regression to determine whether the way information on voter ID laws is framed can mobilize or demobilize minorities.<sup>40</sup> To test the difference of means between the control group and the 3 treatment groups, individual t-tests were conducted between each pair for all four dependent variables. The significant findings are reported below. The regression results confirmed the findings of the t-tests and are reported below. The analysis was conducted on Hispanics and blacks separately to account for the conditional nature of the hypotheses and race. This necessity significantly reduced the sample size and limited the number of individuals in each of the treatment groups to approximately 30 – 35 respondents. While the treatments largely perform as expected, for most groups the effects are too small to be statistically significant. The power analysis below demonstrates that only in the case of a large effect (0.8) would one find statistical significance with the current sample size across groups.

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<sup>39</sup> The treatments and survey questionnaire are attached in the appendix.

<sup>40</sup> Although a difference in means test is common for experimental analysis, Green (2009) finds that simple regression generates the same estimates as a difference of means test. When the sample size is greater than 20, Green finds that multiple regression provides accurate estimates and standard errors.

**Power Analysis**

Effect Size	Total N per group
0.2 (small)	393
0.5 (medium)	64
0.8 (large)	26

\*All results reflect a significance of 0.05 and power of 0.8

None of the models or tests on Hispanic respondents, comparing the control group with the treatments groups, were statistically significant. While a few approached significance, the sample sizes for each of the treatment groups is simply too small to observe significance. In the analysis of black respondents, however, there is a significant relationship between blacks exposed to the fraud treatment group and the levels of political efficacy compared to the control group. Blacks who read the article on the need for voter ID laws to prevent fraud reported lower levels of political efficacy than blacks who read the control article on sports. Given the power analysis above and the small sample size, this is a large effect. There were no significant findings on the relationship between treatment groups and political participation for blacks.

Table 2: Descriptive Statistics for Hispanics

Statistic	Mean	St. Dev.	Min	Max
Female	0.494	0.502	0	1
Age	1.586	0.801	1	5
Education	3.401	1.000	2	6
Income	2.969	1.636	1	7
Ideology	3.093	1.355	1	7

N = 142

Table 3: Effect of Treatments on Hispanics

	<i>Dependent variable:</i>			
	Political Efficacy	Vote	Sign Petition	Write Letter
Discrimination Treatment	−0.104 (0.183)	−0.292 (0.271)	−0.303 (0.227)	−0.017 (0.224)
Fraud Treatment	0.054 (0.211)	0.326 (0.313)	0.109 (0.262)	−0.022 (0.259)
Mixed Treatment	−0.099 (0.184)	−0.077 (0.273)	0.105 (0.229)	−0.124 (0.226)
Constant	3.293* (0.122)	4.022* (0.181)	2.978* (0.151)	2.152* (0.149)
Observations	142	142	142	142
R <sup>2</sup>	0.006	0.026	0.026	0.003
Adjusted R <sup>2</sup>	−0.016	0.005	0.005	−0.019

*Note:*

\*p&lt;0.05



Table 4: Effect of Treatments on Hispanics - Full Model

	<i>Dependent variable:</i>			
	Political Efficacy	Vote	Sign Petition	Write Letter
Republican	−0.188 (0.270)	0.638 (0.423)	−0.408 (0.362)	−0.146 (0.363)
Female	0.230* (0.134)	−0.065 (0.211)	−0.106 (0.180)	−0.018 (0.181)
Education	−0.0003 (0.070)	0.240* (0.109)	0.154 (0.093)	0.137 (0.094)
Age	−0.002 (0.092)	0.074 (0.143)	0.027 (0.123)	−0.058 (0.123)
Income	0.003 (0.040)	0.110* (0.062)	−0.044 (0.053)	0.012 (0.054)
Ideology	0.018 (0.052)	−0.098 (0.081)	−0.061 (0.069)	0.024 (0.069)
Chabot Sample	−0.758* (0.164)	0.546* (0.257)	0.454* (0.220)	0.275 (0.221)
Discrimination Treatment	−0.127 (0.170)	−0.278 (0.267)	−0.349 (0.228)	−0.036 (0.229)
Fraud Treatment	−0.135 (0.201)	0.320 (0.315)	0.217 (0.269)	0.027 (0.270)
Mixed Treatment	−0.173 (0.172)	−0.060 (0.269)	0.151 (0.230)	−0.082 (0.231)
Constant	3.514* (0.376)	2.793* (0.589)	2.591* (0.505)	1.553* (0.506)
Observations	142	142	142	142
R <sup>2</sup>	0.197	0.123	0.085	0.031
Adjusted R <sup>2</sup>	0.136	0.056	0.016	−0.044

*Note:*

\*p&lt;0.05

Table 5: Descriptive Statistics for Blacks

Statistic	Mean	St. Dev.	Min	Max
Female	0.520	0.502	0	1
Age	2.160	1.043	1	5
Education	3.888	1.116	2	6
Income	2.880	1.564	1	7
Ideology	2.960	1.526	1	7

N = 115

Table 6: Effect of Treatments on Blacks

	<i>Dependent variable:</i>			
	Political Efficacy	Vote	Sign Petition	Write Letter
Discrimination Treatment	−0.010 (0.238)	0.176 (0.334)	0.223 (0.306)	0.304 (0.259)
Fraud Treatment	−0.493* (0.259)	0.468 (0.364)	0.162 (0.334)	0.154 (0.282)
Mixed Treatment	−0.131 (0.240)	0.046 (0.337)	0.508 (0.309)	0.403 (0.261)
Constant	3.276* (0.173)	3.793* (0.242)	2.621* (0.222)	1.759* (0.188)
Observations	115	115	115	115
R <sup>2</sup>	0.040	0.017	0.025	0.024
Adjusted R <sup>2</sup>	0.014	−0.009	−0.001	−0.003

*Note:*

\*p&lt;0.05

Table 7: Effect of Treatments on Blacks - Full Model

	<i>Dependent variable:</i>			
	Political Efficacy	Vote	Sign Petition	Write Letter
Republican	−0.226 (0.338)	0.230 (0.460)	0.383 (0.435)	0.293 (0.362)
Female	0.110 (0.180)	−0.151 (0.244)	0.156 (0.231)	−0.179 (0.192)
Education	−0.043 (0.092)	−0.159 (0.125)	0.021 (0.118)	0.051 (0.098)
Age	−0.070 (0.091)	0.217* (0.124)	0.105 (0.118)	0.007 (0.098)
Income	−0.036 (0.059)	0.117 (0.080)	0.076 (0.076)	0.085 (0.063)
Ideology	0.096 (0.064)	−0.223* (0.087)	−0.124 (0.083)	−0.083 (0.069)
Chabot Sample	−0.357 (0.289)	0.113 (0.393)	0.150 (0.372)	0.604* (0.310)
Discrimination Treatment	0.034 (0.250)	0.264 (0.339)	0.197 (0.321)	0.193 (0.267)
Fraud Treatment	−0.453 (0.277)	0.490 (0.377)	0.096 (0.357)	0.108 (0.297)
Mixed Treatment	−0.058 (0.250)	−0.001 (0.341)	0.454 (0.322)	0.247 (0.268)
Constant	3.393* (0.501)	4.287* (0.681)	2.357* (0.644)	1.604* (0.536)
Observations	115	115	115	115
R <sup>2</sup>	0.090	0.124	0.077	0.102
Adjusted R <sup>2</sup>	0.003	0.040	−0.012	0.016

*Note:*

\*p&lt;0.05

## Conclusion

Two competing theories of mobilization, from political science and psychology, provide distinctive hypotheses about the impact ID laws can have on minorities. This chapter weighs in on this important debate. I rely on policy feedbacks and psychological reactance theory to generate testable hypotheses about how information on voter ID laws should impact minorities. Utilizing a survey with an embedded experiment, I test these theories by manipulating the information respondents receive about voter ID laws. While I find evidence of policy feedback effects, I do not find any evidence of reactance theory. My findings suggests that the way information on voter identification laws is framed does have the ability to impact mobilization. In particular, blacks exposed to messages that emphasize the need for voter ID laws to prevent fraud had significantly lower levels of political efficacy than those who were not exposed to this information.

The theory of policy feedback effects indicates that policies can produce interpretive effects, which serve to shape the way individuals view their identities as citizens. Policies, such as voter ID laws, provide information, meaning, and context to citizens about their role in society and politics. Voter ID laws distinctly demarcate between voters who have the appropriate ID and those who do not. Only individuals with the required ID are deemed deserving of the right to participate in elections. These laws send the message that those without ID are not deserving or that their participation is not desired. The results presented in this chapter provide confirmation that voter ID laws, through interpretive effects, can negatively impact the way blacks view their role in politics.

This chapter provides a preliminary look at the impact of information about voter ID laws on political efficacy and participation. Despite the limitation of my findings due to the small

sample size, there are several interesting conclusions from this project that suggest avenues for future research. Further research is needed to test the interpretive effects of voter ID laws.

Specifically, larger samples will allow small and medium sized effects to surface. Although I do not find significant findings among Hispanic respondents, given my findings on the decreased likelihood of turnout among Hispanics in states with photo ID laws in the 2012 election, I suspect that with a larger sample size one would find evidence of an interpretive effect among Hispanics as well.

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## Chapter 4 Appendix

### Treatment Vignettes

#### Control Group:

#### World Cup 2014: Switzerland Stuns Ecuador

Paul Smith  
USA Today

Switzerland used a dramatic stoppage time goal by Haris Seferovic to defeat Ecuador in its World Cup opening match. The Swiss controlled the ball early, easily countering Ecuador's scattered defensive efforts to put a bevy of shots on goal in the early going. But it was Ecuador that struck first, with a header by Enner Valencia off of a perfectly placed free-kick crossing pass. Ecuador's explosive play off the wings gave the Swiss defenders fits and led to a barrage of dangerous counter-attacks through most of the match. Nonetheless, the Swiss continued to draw fouls and earn corner kicks. In the 47th minute, they turned a corner kick into a goal from Admir Mehmedi, who found himself unchecked in front of the net with Ecuadorian goalkeeper Maximo Banguera trailing on the far side. After that, the game became frantic, with both defenses broken by a series of creative, but ultimately fruitless offensive attacks. In stoppage time, Ecuador seemed to have a chance for a deciding goal, but turned the ball over in front of the Swiss net. The Swiss countered without hesitation, finding nothing but open field and out-of-position defenders. With 20 seconds to play, Seferovic scored the game-winner.

*Words: 199*

#### Treatment 1 (Disenfranchise Frame):

#### Voter ID Laws Disenfranchise Thousands

Paul Smith  
USA Today

Democratic elections are the foundation of a representative government. Americans heading to the polls this fall will be relying on the US election system to ensure that every vote counts and that electoral discrimination is not a deciding factor in local, state or national elections. Unfortunately, despite much historical progress in our modern democracy, voter discrimination still occurs. While some claim that voter discrimination is a myth, an estimated 700,000 young minority voters could be barred from voting in November due to the passage of state photo ID laws, according to a new study. The projections include African Americans, Latinos, Asian Americans, Native Americans and Pacific Islanders. "It's a reminder that our voting rights have always been under attack and probably always will be," said Jillian Stefan, a professor at the University of Hartsville who co-authored the report. These new laws are clearly an assault on minority voters, the elderly and the poor, many of whom face social and economic hurdles that make acquiring the required documents more difficult. Voter ID laws are political poison. These

laws, that require a photo ID to be presented before casting a ballot, strike at the heart of representative government and prevent thousands of minority voters from exercising their right to vote on Election Day.

*Words: 211*

## **Treatment 2 (Voter Fraud Frame):**

### **Voter Fraud Threatens US Elections**

Paul Smith  
USA Today

Honest elections are the foundation of a representative government. Americans heading to the polls this fall will be relying on the US election system to ensure that every vote counts and that fraud is not the deciding factor in local, state or national elections. Unfortunately, despite all the technological advances in our modern democracy, voter fraud still occurs. Despite this, there is still resistance to one very simple tool that could help eradicate it — voter ID. Some say that voting fraud is a myth, that there is almost no voting fraud in America. But a recent study shows that voter fraud is all too common in America today. “The fact that examples of voter fraud have been documented throughout this Nation’s history by respected historians and journalists demonstrates that not only is the risk of voter fraud real but that it could affect the outcome of a close election”, said Jillian Stefan, a professor at the University of Hartsville who co-authored the report. Voter fraud is political poison. It strikes at the heart of representative government. Voter ID laws, that require a photo ID to be presented before casting a ballot, protect our electoral system against significant and growing forms of voter fraud to make sure that Election Day is as fair, honest, and legal as possible.

*Words: 217*

## **Treatment 3 (Competing Frames):**

To control for any priming effect, respondents assigned to treatment group 3 will randomly be assigned to either treatment 3(A) or 3(B). Treatment 3(A) presents the fraud frame before the discrimination frame, while treatment 3(B) reverses this order.

## **Treatment 3(A):**

### **Controversy Over Voter ID Laws**

Paul Smith  
USA Today

Elections are the foundation of a representative government. Americans heading to the polls this fall will be relying on the US election system to ensure that every vote counts in local, state, and national elections. This year many voters will be required to present a government issued photo ID before casting a ballot. These new state laws have been heavily debated. Proponents of photo ID laws argue that they are necessary to protect our electoral system against significant and

growing forms of voter fraud. Proponents contend that the only way to make sure that Election Day is as fair, honest, and legal as possible, is to require voters to present a photo ID. Opponent of photo ID laws argue that these laws discriminate against minority voters, the elderly and the poor, many of whom face social and economic hurdles that make acquiring the required documents more difficult. Opponents insist that photo ID laws strike at the heart of representative government and prevent thousands of minority voters from exercising their right to vote on Election Day. Depending on which side of the debate you stand on, these laws either protect against voter fraud or discriminate against minority voters.

*Words: 197*

### **Treatment 3(B):**

#### **Controversy Over Voter ID Laws**

Paul Smith  
USA Today

Elections are the foundation of a representative government. Americans heading to the polls this fall will be relying on the US election system to ensure that every vote counts in local, state, and national elections. This year many voters will be required to present a government issued photo ID before casting a ballot. These new state laws have been heavily debated. Opponent of photo ID laws argue that these laws discriminate against minority voters, the elderly and the poor, many of whom face social and economic hurdles that make acquiring the required documents more difficult. Opponents insist that photo ID laws strike at the heart of representative government and prevent thousands of minority voters from exercising their right to vote on Election Day. Proponents of photo ID laws argue that they are necessary to protect our electoral system against significant and growing forms of voter fraud. Proponents contend that the only way to make sure that Election Day is as fair, honest, and legal as possible, is to require voters to present a photo ID. Depending on which side of the debate you stand on, these laws either discriminate against minority voters or protect against voter fraud.

*Words: 197*

## **Survey Questionnaire**

### **Political Efficacy**

**Q1** How much do government officials care what people like you think?

- 1 A great deal
- 2 A lot
- 3 A moderate amount
- 4 A little
- 5 Not at all

**Q2** How much can people like you affect what the government does?

- 1 A great deal
- 2 A lot
- 3 A moderate amount
- 4 A little
- 5 Not at all

### **Political Participation**

[Order randomized]

**Q1** How likely is it that you will vote in the next Election?

- 1 Definitely not voting
- 2 Probably not voting
- 3 Not Sure
- 4 Probably voting
- 5 Definitely voting

**Q2** How likely is it that you will sign a government petition in the next year?

- 1 Definitely not signing a petition
- 2 Probably not signing a petition
- 3 Not Sure
- 4 Probably signing a petition
- 5 Definitely signing a petition

**Q3** How likely is it that you will write a letter to a government official in the next year?

- 1 Definitely not writing a letter
- 2 Probably not writing a letter
- 3 Not Sure
- 4 Probably writing a letter
- 5 Definitely writing a letter

### **Identification and Voting**

**Q1** Are you registered to vote?

- 1 No
- 2 Yes, but not at my current home address
- 3 Yes, I am registered to vote at my current home address

**Q2** Which of the following best describes you? Please check all that apply.

- 1 I do not have a driver's license
- 2 I have an expired driver's license
- 3 I have a driver's license; but the name on my driver's license is not the same name I am registered to vote under
- 4 I have a driver's license; the name on my driver's license is not the same name I am registered to vote under
- 5 I have a driver's license and the information on it matches my voter registration
- 6 I do not have a U.S. passport
- 7 I have an expired U.S. passport
- 8 I have a U.S. passport; but the name on my U.S. passport is not the same name I am registered to vote under
- 9 I have a U.S. passport; the name on my U.S. passport is not the same name I am registered to vote under
- 10 I have a U.S. passport and the information on it matches my voter registration

**Q3** Do you have any other ID card issued by an agency or department of the federal government, your home state government, or a local government in your home state?

- 1 No, I do not have any other government issued ID
- 2 Yes, I have another government ID, but it does not have a photo
- 3 Yes, I have another government photo ID

### **Political Attitudes:**

[Randomize the order of Q4 and Q5]

**Q1** How much do you agree with the statement: "Voter ID laws are necessary to prevent fraud"?

- 1 A great deal
- 2 A lot
- 3 A moderate amount
- 4 A little
- 5 Not at all

**Q2** How much do you agree with the statement: "Voter ID laws discriminate against minority voters"?

- 1 A great deal
- 2 A lot

- 3 A moderate amount
- 4 A little
- 5 Not at all

- Q3** How much do you support voter ID laws that require voters to present a photo ID before being allowed to vote?
- 1 A great deal
  - 2 A lot
  - 3 A moderate amount
  - 4 A little
  - 5 Not at all

### **Demographic Questions**

- Q1** What is your gender?
- 1 Female
  - 2 Male
  - 3 Unknown

- Q2** What Is Your Ethnicity?
- 1 African American
  - 2 Asian
  - 3 Hispanic
  - 4 Pacific Islander
  - 5 White
  - 6 Other

- Q3** What is your age?
- 1 18 to 24 years
  - 2 25 to 34 years
  - 3 35 to 44 years
  - 4 45 to 54 years
  - 5 55 to 64 years
  - 6 Age 65 or older

- Q4** What is the highest degree or level of education you have completed?
- 1 Less than high school
  - 2 High school graduate (includes equivalency)
  - 3 Some college, no degree
  - 4 Associate's degree
  - 5 Bachelor's degree
  - 6 Graduate or professional degree

- Q5** What was your families household income before taxes during the past 12 months?

- 1 Less than \$25,000
- 2 \$25,000 to \$34,999
- 3 \$35,000 to \$49,999
- 4 \$50,000 to \$74,999
- 5 \$75,000 to \$99,999
- 6 \$100,000 to \$149,999
- 7 \$150,000 or more

**Q6** Generally speaking, do you usually think of yourself as a Republican, a Democrat, an independent, or what?

- 1 Republican
- 2 Democrat
- 3 independent
- 4 something else

**Q7** When it comes to politics, would you describe yourself as liberal, conservative, or neither liberal nor conservative?

- 1 Very liberal
- 2 Somewhat liberal
- 3 Closer to liberals
- 4 Neither liberal nor conservative
- 5 Closer to conservatives
- 6 Somewhat conservative
- 7 Very conservative

**Q8** How interested are you in information about what's going on in government and politics?

- 1 Extremely interested
- 2 Very interested
- 3 Moderately interested
- 4 Slightly interested
- 5 Not interested at all

**Q9** Please select the state where you currently reside?  
[drop down list of all 50 states]



## Chapter 5

### **Democracy and Voter ID Laws: The Struggle for Equal Voting Rights**

#### **Introduction**

Throughout most of American history, the struggle between who is deserving of the right to participate in democracy and who should be excluded has been ongoing. Until recently, individuals wishing to become a naturalized citizen of the United States had to answer the question: “What is the most important right granted to U.S. citizens?” According to the United States government, the correct answer was “The right to vote” (Booth 1996). But this so called “right” is not nearly as straightforward as it appears. In fact, there simply is no constitutional guarantee of the right to vote. Voter eligibility for state and US congressional elections is decided individually by each state. The Supreme Court affirmed in *Bush v. Gore* (2000) that “[t]he individual citizen has no federal constitutional right to vote for electors for the President of the United States”. The ability for states to determine the eligibility of voters has resulted in the direct and indirect exclusion of millions of American citizens throughout history. In a long series of laws designed by state legislatures to manipulate the electorate for strategic purposes, voter ID laws are the most recent form of exclusion.

Proponents of more stringent voting standards, predominantly Republicans, argue that requiring voters to present a photo identification reduces the risk of fraudulent voting, ensuring fair elections. The opponents of strict voter ID laws, primarily Democrats, argue that identification requirements are disproportionately burdensome and will block many otherwise eligible citizens from voting. They insist that many eligible voters do not have a government-

issued photo IDs, with minority groups and the poor less likely to have IDs than the rest of the population. As the research presented in this dissertation suggests, proponents of voter ID laws have just cause for concern.

### **A Storybook Interpretation of US Democracy**

Despite significant progress and several Constitutional amendments, millions of Americans are still excluded from voting today. In fact, the lack of voting rights for American citizens was reaffirmed in the 2000 ruling of *Alexander v. Mineta* when the court stated that “The Equal Protection Clause does not protect the right of all citizens to vote, but rather the right of all *qualified* citizens to vote” (*Alexander v. Daley* 2000, 66). Over two-hundred years after the Constitution was ratified, voting is still considered a privilege granted or withheld by state electoral law. With the exception of electoral discrimination that is explicitly based on race, gender, or age, states can determine which citizens are deserving of the right to participate in elections. How did the world’s first democracy, a nation that placed high value on equality and the will of the people, end up excluding millions of its citizens from participating in the democratic process? Without an understanding of the complexity of American political culture, it is difficult to reconcile the language used in the Declaration of Independence with America’s extensive history of political exclusion.

Over fifty years ago Louis Hartz embarked on a journey to tell the “storybook truth” about America. Despite its contemptuous reception by academics, his controversial work, *The Liberal Tradition in America*, remains a political science classic. Taking his story directly from Tocqueville, Hartz tells a story about the American tradition from the perspective of Tocqueville’s oft quoted observation: “The great advantage of the Americans is that they have arrived at a state of democracy without having to endure a democratic revolution; and that they

are born equal, instead of becoming so”. (Tocqueville 1981, 509). The story goes, that early Americans escaped feudal and clerical oppressions when they left the Old World for the new one. Unlike the serfs in Europe, Americans never had to march against feudal lords to win the right of upward mobility. In America, a man was born free, he did not have to fight through class hierarchies to become so. America, with its lands and riches, was free for the taking and with a little capital and a lot of work any man could succeed. It is from this fabled story of American democracy that “America developed its hegemonic, oppressive, unyielding, irrational liberalism” that has remained “unchallenged from either left or right”. (Morone 2005, 216). American liberalism is certainly a beautiful story, but it is simply that, a story. Nevertheless, this beautiful story has cultivated an ugly stepchild in the form of exclusion.

The exclusionary elements of American democracy were seen by Hartz and his followers as abnormalities within the liberal tradition. Other scholars, however, view political and racial exclusion as a by-product of liberalism itself. Scholars who adhere to the later interpretation of the liberal tradition, termed the “liberalism as exclusion” thesis by Stears, contends “that liberalism itself must shoulder more—perhaps most, possibly all—of the blame for the politics of exclusion”. (Stears 2007, 90). The liberalism as exclusion thesis holds that the exclusionary elements of US politics are a direct result of the very liberalism that has shaped American political culture. Hartz underestimated the extent of political exclusion in America. According to the liberalism as exclusion thesis, “America might indeed be liberal and exclusionary, even exclusionary because it is liberal” (Stears 2007, 93).

Proponents of the liberalism as exclusion thesis have pointed out “the individualistic ethics built into the heart of American liberalism are essentially exclusionary because they are well suited to the powerful but ill-serve the requirements of weaker groups in society.

Liberalism, in other words, works as an ideological justification for a competitive, property-owning, free-market capitalism and overlooks the interests of those incapable of flourishing in such an environment” (Stears 2007, 91). Throughout American history, proponents of disenfranchisement have argued that only citizens who conduct themselves in such a way as to uphold “public interests” should be allowed to vote. As Scalia (1998) notes, those arguing for disenfranchisement did so, not by ascribing particular characteristics to specific categories of citizens, but by invoking universalistic, and arguably irrational, liberal notions of self-interest. As history corroborates, proponents of disenfranchisement have repeatedly argued that only those citizens whose social and economic standing put them in a position to act on the public’s best interest, are deserving of the right to vote. By this reasoning most women, minorities, and the poor were excluded from democratic participation. Ultimately, despite the misconception that liberalism is an ideology that embraces political inclusion, it has in actuality “served as the language of exclusion for many of American’s nineteenth-century politicians” (Scalia 1998, 372). Scalia suggests that exclusion is not merely the accidental by-product of liberalism, but rather that liberalism has been strategically used by elites for the purpose of exclusion. This is a much darker and less appealing interpretation of American liberalism than the one presented by Hartz. Despite this, it is a thesis that fits better with our understanding of political power and its ability to be manipulated to serve the interests of the elite.

Initially, political scientists defined political power as the ability of one individual to get another individual to do something that they would not have otherwise done (Dahl 1957). However, this definition left out a key element of power: the power to exclude. Bachrach and Baratz (1962) challenged Dahl’s definition, contending that power had two faces. On the one side is the power to dictate, on the other is the power to exclude. It is one thing to possess the

power to dictate action, it an even more impressive feat to prevent the other party from ever joining the discussion. If one person can exclude another, they never need to build the power to defeat them. In essence, the battle is won before it begins. In *The Semi-Sovereign People* Schattschneider observed that “All forms of political organization have a bias in favor of the exploitation of some kinds of conflict and the suppression of others, because organization is the mobilization of bias. Some issues are organized into politics while others are organized out” (71). In many ways, this is precisely what liberalism, through voting laws, has done.

### **Voter ID Laws and Exclusion**

State legislatures are bodies of government composed of strategic, rational actors, each of whom has an incentive to be reelected. Passing legislation that places institutional barriers to political participation and thereby increases the cost of voting or directly prevents portions of the electorate from voting can potentially increase reelection prospects, especially when those who are predisposed to support your opponent are the ones being excluded. Although many voting laws initially appear harmless, this dissertation demonstrates that laws, such as voter ID requirements, encumber the least advantaged more than the most advantaged. The ability of legislatures to strategically increase the costs of voting through stringent voting laws has serious implications for the state of representative democracy in the US.

The findings in chapter 3 provide insight into how voter ID laws can directly impact the representativeness of democracy in the US. While previous research at the aggregate level has been inconclusive, this chapter focuses on the individual level; allowing for further exploration into the costs incurred by voter ID laws without the limitations of aggregate data. This chapter specifically explores the relationship between voter ID laws and election turnout among minority populations. Using multilevel modeling techniques, I analyzed a nationally representative survey

of registered voters to explore the effects of voter ID laws on a citizen's likelihood of voting in the 2012 presidential election. I controlled for both state and individual factors, such as campaign spending, electoral closeness, and voter ID laws at the state level, and education, income, race, age, and the possession of a valid photo ID at the individual level. My findings indicate that voter ID laws impact minorities differently. Beyond preventing those individuals without the proper ID from voting, photo ID laws may actually have an interpretive feedback effect where Hispanics are discouraged from voting even though they possess the necessary ID. Alternatively, photo ID laws did not have the same impact on blacks. They may even have increased the likelihood of blacks voting in the 2012 election. This finding hints at a possible backlash against photo ID laws among the black community.

In addition to directly preventing potential minority voters from casting a ballot, voting laws and regulations can reduce the incentives for political actors to mobilize minorities. Political parties are strategic actors with a finite number of resources (i.e. time, money, etc.) at their disposal. It is no secret that campaigns and parties practice selective mobilization in order to maximize their benefits while minimizing their costs. Consequently, voter ID laws have the real possibility of increasing the cost and reducing the incentive for political parties and interests groups to mobilize minorities (Rosenstone and Hansen 1993). If minorities cannot participate, or if the cost of participation is significantly high, their likelihood of being mobilized may be reduced. Because political campaigns and organizations play such an important role in offsetting the already high costs of voting (Rosenstone and Hansen 1993), minorities may be further marginalized.

The potential for voter ID laws to impact voter turnout among minorities provides an appealing electoral advantage to Republican lawmakers who do not usually benefit from

minority votes. By the same logic, legislators who can successfully prevent constituents of the opposing party from voting have increased their own electoral odds. My findings in chapter 2 support this reasoning. I find that Republican legislatures are more likely to pass stringent voter ID laws than Democratic legislatures. Further, there is a meaningful relationship between the adoption of state voter ID laws and states with higher Hispanic populations and higher proportions of the population living in poverty. It should be noted that both Hispanics and the poor are more likely to support the Democratic Party (Kohut 2012; Lopez and Gonzalez-Barrera 2013) and they are disproportionately more likely to be affected by ID laws (Charles Stewart 2013; Barreto, Nuno, and Sanchez 2009).

I do not find a significant relationship between the proportion of the state population that is black and the adoption of ID laws. While blacks are also more likely to vote for Democratic candidates and are also at risk of being disenfranchised by voter ID laws (Hood and Bullock 2008; Charles Stewart 2013), they may be more likely to organize against voter ID laws. Blacks have a strong history of organizing politically following the Civil Rights Movement. Unlike Hispanics and the poor, who have comparably lower levels of political and social participation (File 2013; Foster-Bey 2008; De la Garza, Falcon, Garcia and Garcia 1998). Legislatures may view the risk of political organizing against voter ID laws, which could upset any marginal advantage gained by their adoption, to be higher among blacks than either Hispanics or those living in poverty.

Aside from electoral motivations, the choice to adopt voter ID laws is also driven by policy imitation among conservative states. Policy emulation happens when a state determines that a policy in another ideologically similar state is worthy of adoption, regardless of the effectiveness of the policy. This finding helps to explain why states are adopting voter ID laws

despite the lack of evidence for voter fraud or the existence of a problem environment.

Regardless of arguments otherwise, the existing research plainly demonstrates that fraud in US elections is very rare (Lipton and Urbina 2007; Khan and Carson 2012).

There are clear electoral incentives for political elites to pass legislation that disproportionately increases the cost of electoral participation for minorities. Yet how can political elites feasibly pass legislation that marginalizes certain groups, without serious pushbacks from opposing parties? Since the Civil Rights Movement, it is not longer publicly acceptable in American politics to target specific minority groups. If legislatures want to erect institutional barriers to participation, they must do so subtly. Fear of stolen or illegitimate elections has historically provided the perfect platform for legislators to promote stringent voting regulations. Very few emotions are as powerful or as mobilizing as fear. The proliferation and rapidity at which recent voter ID laws were passed in state legislatures after the chaos of the 2000 presidential election is a perfect example. Republican party leaders have emphasized the fear of electoral fraud in their support for voter ID laws. Kris Kobach, a key proponent of strict voter ID laws, argues, “[f]ear that elections are being stolen erodes the legitimacy of our government,” and “voter identification laws protect this legitimacy” (Kobach 2011). Presenting voter ID laws as a way to insure the integrity of the electoral process has provided Republican lawmakers with palatable defense for passing voter ID legislation.

Given the potential discriminatory nature of voter ID laws, it may seem curious that minorities have not been more vocal about opposing these laws. Despite claims that there may have been a backlash against voter ID laws among minority voters during the 2012 election (Berman 2012; Tinberg and O’Neal Parker 2012), I do not find any evidence of reactance among minorities in my analysis of the impacts of information about voter ID laws (chapter 4). On the



contrary, I find that the political efficacy of blacks may be negatively impacted by messages claiming that voter ID laws are needed to prevent voting fraud. John Gaventa provides a possible explanation for this in his book *Power and Powerlessness* (1982). In this text, Gaventa introduces a methodology for studying the “the third dimension of power”, which is when the powerless are deterred from struggling for the power they don't have. The interesting aspect of Gaventa's third dimension is that this political deterrence occurs in a way that is “underground”, and where the powerless are unaware that they are being restrained by social forces or institutional structures. Even when the powerless are aware of what is happening, their political efficacy has often been reduced to the point that they feel powerless to do anything. This explanation aligns with what theories of policy feedback effects, and specifically interpretive effects, suggest; voters can be impacted by the contextual messages policies produce, without necessarily realizing that they are being influenced. In the case of voter ID laws, it is certainly conceivable that minorities are unaware of the extent to which they are being excluded from the democratic process by these laws.

### **Political Equality as a Justifiable Goal**

The struggle between who is deserving of the right to participate in democracy and who should be excluded is clearly visible in the voting process, resulting in the direct and indirect exclusion of millions of American citizens. The separation between citizenship and the right to vote has resulted in a political culture that necessarily promotes political inequality. The question then remains, whether political inequality serves to promote a healthy democracy or hinders it. Should society be concerned that political power has been used to exclude or limit the political participation of millions of Americans? Political equality may not be an entirely attainable goal,

yet as a society we need to ask whether it is a justifiable goal. And if it is, is it important enough that electoral law should be subordinate to achieving political equality?

In his book *How Democratic is the American Constitution?*, Dahl (2007) argues that political equality is necessary for democracy. The desirability of political equality, and thus of democracy, follows from two fundamental judgments. The first judgment is moral, and the second is practical. The moral judgment, or as Dahl calls it *the assumption of intrinsic equality*, holds “that all human beings are of equal intrinsic worth; that no person is intrinsically superior in worth to another; and that the good or interests of each person ought to be given equal consideration”. (2007, 131). The practical judgment stems from the moral judgment in that no one group can be trusted to truly represent the needs of the whole. In other words, no one group of individuals can adequately represent the whole, thus all citizens should be given equal political standing.

In contrast with the concerns of the Framers and of scholars such as Tocqueville, the notion that citizens must meet certain standards and have sufficient interest in politics to preserve democratic liberties has been disproven by history. Americans today enjoy more freedoms and liberties than at any other time in history, despite, or arguably because, the electorate today is larger and more inclusive than at any other time in history. If we truly believe that all citizens are created equal, that they are endowed with certain unalienable Rights, then we are obligated as a country to pursue political equality. While no government or political institution is without fault, compared to the alternative, majority rule where all citizens have equal participation promises the least imperfect government. Indeed, it has been stated “that all Government is an evil. It would be more proper to say that the necessity of any government is a misfortune. This necessity

however, exists; and the problem to be solved is, not what form of government is perfect but which of the forms is least imperfect” (Meyers 1973, 523).

If we conclude that political equality is a justifiable goal, indeed a necessary goal for any democracy, then the implications of electoral laws matter. In the interests of pursuing political equality and democracy, society has a responsibility to evaluate the impacts of electoral laws. This has serious implications for scholars of America politics in light of the recent trend across states to increase voter restrictions through voter ID laws. To date, there has been relatively little empirical research on the extent that voter ID laws impact and exclude minorities from participation in politics. My dissertation has directly addressed the current gap in the literature by analyzing why certain states are adopting voter ID laws, the effect these laws have on voter turnout among minorities, and the impact of political messages about ID laws on minorities.

## Chapter 5 References

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